but the risks of following a strong, determined course are infinitely less than those of following a course of compromise, vacillation, accommodation and appeasement.

The present administration's policy, which cannot lead to victory in Vietnam, does not reduce the danger of major war. It increases it. The only way to avoid a major war later is to win the smaller war in Vietnam—and to take the risks involved in accomplishing that objective.

Those who like myself urge a "win" policy in Vietnam can be expected to be charged with warmongering and endangering world peace. The contrary is true. History shows that the appeasers, the compromisers who refuse to stand up against aggression, have to take a stand sooner or later—and always at a less favorable time and place.

The decision is upon us. And it is urgent. If we fail to win in South Vietnam—whether through following our present equivocal policy, through neutralization or through outright surrender—communism in Asia will achieve a new and vastly increased momentum. Our defeat will confirm the Chinese communist contention that the United States is a paper tiger, careless of commitments to its allies and readily susceptible to defeat by terrorism, subversion and guerrilla warfare.

Encouraged by our retreat, the communists will increase their aggressive action, not only in Asia but in Africa, Latin America and the Near East. We will then either have to fight a major war, probably with nuclear weapons, against odds far greater than those that face us now—or else let the communists win World War III without even fighting it.

Conversely, a victory for us in South Vietnam will shatter the myths of communist invincibility and of the inevitability of a Chinese take-over in Southeast Asia. It will restore all the prestige we have lost and give us more besides. Thereafter, the tide of communism in Asia, and perhaps in the whole world, will not only cease to rise but start to recede.

The crisis is one not of competence but of confidence. It is a test not of power but of our capacity to use our power correctly and with courage. All that is needed, in short, is the will to win—and the courage to use our power—now.

JAYCEE WEEK

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. GOODLING. Mr. Speaker, this week of January 18 is Jaycee Week, during which time the U.S. Jaycees are celebrating the 50th anniversary of the founding of this wonderful service organization.

In this day and age when our ears are ringing with complaints about America and our eyes are blurred by ceaseless demonstrations denouncing the shortcomings of the United States, it is indeed refreshing to pause and reflect on the constructive activities of the Jaycee organization. While many in our society are busy tearing things down, the Jaycees are engaged in building things up.

The Jaycees are the first to recognize that America has problems, but instead of wringing their hands in desperation about these complications, they devise ways and means by which to solve them. Problems to the Jaycees are a challenge and not a despair.

America is a great country, socially, culturally, governmentally, and economically. It is the product of a great "team effort," for many great individuals and organizations have had a part in moulding this fabulous national complex called the United States. The Jaycees have played a highly important part in that team effort.

It gives me great pleasure to extend a hearty salute to the U.S. Jaycees on their 50th anniversary.

THE 50TH ANNIVERSARY OF THE U.S. JAYCEES

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. LANGEN. Mr. Speaker, it is especially appropriate today, on the occasion of the presentation of the state of the Union message to Congress, to honor the U.S. Jaycees on their 50th anniversary.

With chapters of their organization in hundreds of communities across America, Jaycees have piled up an unbelievable record of service to their fellow men. Many of their projects individually receive little attention because they are not ostentatious or glamorous. Jaycees have established themselves in most American communities as the service club which can be depended upon to provide the manpower and talent necessary to effect necessary public service programs.

Today, President Nixon delivered his state of the Union message. Mr. Speaker, aside from the national and international problems we in Congress consider daily, America is a great and strong Nation. It remains that way because so many of its citizens are concerned with the welfare of their fellow men. The U.S. Jaycees are concerned and are responsible for the excellent state of this Union.

I congratulate them on their tireless efforts and on their sincere expressions of humanity and concern for all people. This is their 50th anniversary and they deserve our tributes.

SENATE—*Friday, January 23, 1970*

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who rulest the worlds from everlasting to everlasting, we commend to Thy keeping this good land which Thou has given us. Let Thy spirit pervade our homes, our communities, and our institutions. Bind us together in a firm allegiance to the enduring values Thou hast revealed.

We pray especially for the Members of this body. May Thy spirit illuminate their daily work. Deliver them from fear of what others may do or say when they stand for the right. Keep them resolute and steadfast in fidelity to the founding principles, working with firm faith and high hope for the better world which is yet to be. When problems seem too great and burdens too heavy, help them to remember the vastness of Thy wisdom and the greatness of Thy love.

Through Jesus Christ, our Lord. Amen.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order entered by the Senate on yesterday, the Senator from Montana (Mr. MANSFIELD) has the floor.

Mr. MANSFIELD. I yield to the distinguished Senator from Pennsylvania.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 292—U.S. FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, in the New York Times of January 21, 1970, on page 4, there is published an excerpt from a speech by Under Secretary of State Richardson in Chicago, telling us how the European countries, our allies, especially Germany, are hoping to offset the balance-of-payments drain on our military deployment in Europe and how we are exploring ways and means of making this arrangement more adequate.

In that same issue of the New York Times, on page 64, an article states that Germany has just cashed in prematurely a billion marks' worth of U.S. Treasury bonds purchased in 1968 to offset the drain caused by the stationing of American troops in West Germany.

Mr. President, I ask unanimous consent to have the article entitled "Germany Recalls Bonds of United States Early" printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GERMANY RECALLS BONDS OF UNITED STATES EARLY

FRANKFURT, WEST GERMANY, January 20.—The Bundesbank disclosed today that it has prematurely recalled a billion marks of United States Treasury Bonds purchased in 1968 to offset the dollar drain caused by

the stationing of American troops in West Germany.

Under the 1968 offset agreement with the United States Government, West Germany had acquired $500-million worth of 4½-year Treasury bonds for 2 billion marks.

The premature recall was made to help increase the West German Central Bank's own liquidity in foreign currency, a Bundesbank official explained.

Because of the inflow of dollars resulting from the transaction, West German foreign currency reserves increased 536,400,000 marks to 5,928,891,000 marks on balance in the week ended Jan. 15, Bundesbank reported.

Mr. MANSFIELD. Mr. President, on yesterday, the President of the United States delivered his state of the Union message to a joint session of the Congress.

It was a fine message. It was a message with a lot of merit to it. Certainly the meat will be there when the specifics are forthcoming to cope with the recommendations and goals, which President Nixon has outlined.

During the course of that speech he said, speaking of foreign policy:

Today, let me describe the directions of our new policies.

We have based our policies on an evaluation of the world as it is, rather than as it was twenty-five years ago at the end of World War II. Many of the policies which were necessary and right then are obsolete today.

Then, because of America's overwhelming military and economic strength, the weakness of other major free world powers and the inability of scores of newly independent nations to defend—let alone govern—themselves, America had to assume the major burden for the defense of freedom in the world.

In two wars, first in Korea and then in Vietnam, we furnished most of the money, most of the arms and most of the men to help others defend their freedom.

Today the great industrial nations of Europe, as well as Japan, have regained their economic strength, and the nations of Latin America—and many of the nations that acquired their freedom from colonialism after World War II in Asia and Africa—have a new sense of pride and dignity, and a determination to assume the responsibility for their own defense.

That is the basis of the doctrine I announced at Guam.

If I may interpolate there, the Guam declaration formed the basis of the Nixon doctrine, which I wholeheartedly endorse and which I was pleased to see the President announce yesterday applied not only to Asia but to the rest of the world as well.

Continuing the President's remarks:

Neither the defense nor the development of other nations can be exclusively or primarily an American undertaking;

The nations of each part of the world should assume the primary responsibility for their own well-being; and they themselves should determine the terms of that well-being.

To insist that other nations play a role is not a retreat from responsibility, but a sharing of responsibility.

We shall be faithful to our treaty commitments, but we shall reduce our involvement and our presence in other nations' affairs.

Mr. President, to that I say, "Amen."

Mr. President, on January 20, the Under Secretary of State, the Honorable Elliot L. Richardson, examined U.S. relations with Western Europe, in general, and the question of U.S. force levels in Europe, in particular, in an address before the Chicago Council on Foreign Relations. At the beginning of his speech, Mr. Richardson referred to the resolution I submitted to the Senate on December 1, Senate Resolution 292, which calls for "a substantial reduction of U.S. forces permanently stationed in Europe."

In introducing that resolution on December 1, I made a statement on the floor of the Senate setting forth the reasons that I thought justified a downward adjustment of the level of our forces in Europe. I pointed to the enormous costs involved in maintaining a Military Establishment of 3.5 million men under arms with 1.2 million men outside the United States and over 300,000 of these—together with 235,000 dependents and 14,000 U.S. civilian employees—in Western Europe. I pointed to the fact that our net foreign exchange gap with Germany is running at about $965 million a year, and I should note parenthetically that Mr. Richardson reminded his Chicago audience that—

The balance-of-payments drain of our military deployment in Europe is currently about $1.5 billion a year.

I also pointed to the need to reduce our military budget from its present level of somewhere between $75 and $80 billion.

Mr. Richardson has now given the administration's arguments for maintaining the status quo, as far as our force levels in Europe are concerned. There are, of course, two sides to every argument. I presented one side on the Senate floor on December 1. The Under Secretary of State presented the other in Chicago on January 20. I hope that my colleagues in the Senate, those in the other body, and members of the public will examine the two sides of the argument closely.

In this connection, and in order to avoid repeating what I have already said on the floor of the Senate, I ask unanimous consent that the full text of Mr. Richardson's speech, and the full text of my December 1 statement, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, I consider it necessary to make a few comments today, on Mr. Richardson's speech, in order to make my position clear:

First of all, Mr. Richardson referred to Senate Resolution 292 as an expression of the "tendency by some to say that NATO has done its job, so why not bring those troops home?" May I point out that Senate Resolution 292 is not an expression of a belief that "NATO has done its job" but, on the contrary, of a belief that the United States has been doing a disproportionate share of NATO's job and that the other 14 members of NATO are in a position to do more and should do so. Nor does Senate Resolution 292 urge that all U.S. troops be brought home but only that there be a "substantial reduction of U.S. forces permanently stationed in Europe."

Second, Mr. Richardson states that the effectiveness of the strategy of flexible reasons "rests perforce on the conviction in both parts of Europe that the United States will fulfill its determined role." Mr. Richardson added that "the U.S. military presence in Europe, whether we like it or not, continues to be taken as tangible evidence of our commitment" and that "any sudden or dramatic reduction" of that presence would have "unpleasant consequences."

I would like to emphasize that Senate Resolution 292 neither states nor implies that we will not fulfill our NATO obligations. On the contrary, it affirms specifically that a substantial reduction of U.S. forces permanently stationed in Europe can be made "without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty." Furthermore, the resolution does not urge, and I have not urged, that such a substantial reduction be either "sudden" or "dramatic." Mr. Richardson did not argue against a "sudden" or "dramatic" reduction but against any reduction at all, for only a few paragraphs later he referred to the administration's having "pledged to maintain our present troop strength in Europe through fiscal year 1971."

Third, Mr. Richardson stated that if "all of our forces in Europe were brought home and stationed in this country, little or no savings would appear in our defense budget." As I noted in my December 1 statement, however, it has always been argued that bringing a substantial number of forces back from Europe will not affect our defense budget because we cannot reduce the number of men under arms. But it is also argued that it is impossible to reduce the number of men under arms, among other reasons because of the need to maintain present force levels in Europe. I contended then, and I do so again now, that this endless circle, which will lead in the end to fiscal exhaustion, can and must be broken.

Fourth, Mr. Richardson referred to the possibility of negotiating with the Soviet Union and the countries of Eastern Europe mutual and balanced force reductions and said that the other reason the administration opposes Senate Resolution 292 is "the firm belief that it would weaken our bargaining position."

Mr. President, NATO has been studying mutual and balanced forced reductions for years and has still not arrived at an agreed proposal. Even when such a proposal is formulated, there is no reason to assume that negotiations will begin for it is my understanding that there has been no indication that the Soviet Union is interested in such negotiations. And what if that continues to be the situation? Will we then be locked into maintaining our present force levels in Europe in perpetuity regardless of the costs involved or the wisdom of doing so in the light of our national interests?

In fact, the Soviets may not be willing to reduce the military presence in Eastern Europe no matter what the United States does or does not do be-

cause the level of that presence may well be dictated by political considerations within Eastern Europe. On the other hand, if that is not so, then U.S. reductions may be the most effective way to bring about Soviet reductions because the Soviet Union could no longer justify the presence of hundreds of thousands of Soviet troops in Eastern Europe on the ground that there were hundreds of thousands of American troops in Western Europe.

Fifth, Mr. Richardson stated that "the bulk of any substantial reduction in U.S. forces will have to be made up by West Germany, the most populous and wealthy of our allies." He went on to say that the German people and the Soviet Union do not favor a larger German military establishment and that such a development "would give pause even to some of Germany's allies."

I am not arguing that there should be a larger German military establishment than has been agreed to before but only that the West Germans meet their predetermined NATO commitments as we have met ours. I might say, parenthetically, that the same comment pertains to other NATO countries as well. The fact is that in terms of the percentage of armed forces to men of military age, in many NATO countries that percentage is not only below the 8.7 percent found in the United States but also below the 4-percent figure which applies to West Germany. And in all of the NATO countries that have compulsory military service—except Greece, Portugal, and Turkey—the period of service is shorter than it is in the United States. In the case of Canada, Luxembourg, and the United Kingdom, there is no compulsory military service at all. I would also like to point out that the United Kingdom with a population of 55.5 million, and Italy, with a population of 53.7 million, are almost as populous as West Germany with a population of 58.5 million. Furthermore, according to the Institute for Strategic Studies in London, Britain's 1969–70 defense budget of $5.4 billion was higher than Germany's 1969 defense budget of $5.3 billion. On the other hand, Italy's 1969 defense budget was only $1.9 billion.

Finally, it is all very well to talk about the "strength, closeness, trust, realism, and flexibility" of NATO, as Mr. Richardson did in his concluding paragraph. But it seems to me that there is a contrast between these words and the fact that the 250 million people of Western Europe, with tremendous industrial resources and long military experience, are unable to organize an effective military coalition to defend themselves against 200 million Russians, who are contending at the same time with 800 million Chinese, but must continue after 20 years to depend on 200 million Americans for their defense. The status quo has been safe and comfortable for our European allies. But, as I observed on December 1, it has made the Europeans less interested in their own defense, has distorted the relationship between Europe and the United States, and has resulted in a drain on our resources which has adversely affected our ability to deal with the urgent problems we face at home.

EXHIBIT 1

ADDRESS BY HON. ELLIOT L. RICHARDSON, UNDER SECRETARY OF STATE, BEFORE THE CHICAGO COUNCIL ON FOREIGN RELATIONS, CHICAGO, ILL.

I would like today to examine one of the most fundamental of our foreign policy concerns, and one which in some ways is too much taken for granted, if not overlooked—the United States relationship to Western Europe and Western European security.

In a reverse twist on the early days of the Republic when George Washington used to preach against yielding to "the insidious wiles" of Europe's influence, our basic ties to Western Europe are now so firmly established that commentary on the subject is regarded as a tiresome reaffirmation of the obvious.

Whereas President Washington warned that European controversies were "essentially foreign to our concerns" President Nixon was moved to observe on NATO's birthday last spring that many people now find NATO "quaint and familiar and a bit old fashioned."

To much of the public the purposes of NATO have the character of a cliche. The very climate of security which NATO has fostered has, perversely, seemed to permit many to disregard it or to think it obsolete. In the wake of the re-examination of foreign commitments occasioned by the Viet-Nam war, there is a tendency by some to say that NATO has done its job, so why not bring those troops home? In the U.S. Senate this feeling has taken concrete political expression in the form of a resolution introduced by Senator Mansfield, one of the most thoughtful students of America's role in world affairs. His resolution calls for "substantial reductions" of U.S. forces in Europe.

Meanwhile, Western Europe itself, prosperous, mostly democratic, stable, and probably more secure than at any time in its modern history, has been preoccupied with the inevitable problems that are the by-product of affluence and rapid economic growth. These concerns seem to have caused it to drift somewhat from the lofty goals of a Unified Europe and Atlantic partnership which gave a sense of mission to its leadership two decades ago.

On both sides of the Atlantic then, there are feelings of complacency and a restless anticipation of new events. The memory of Czechoslovakia is fading, the Brezhnev Doctrine is dimmer, and a reduced sense of danger merges with the feeling that new initiatives are both called for and inevitable. Perhaps in response to this atmosphere the Warsaw Pact nations, led by the Soviet Union, have called for the convocation of a European Security Conference, although—ironically—their suggested agenda would not even touch the basic issues of European security.

In this situation, it is, I think, worthwhile to take a fresh look at the suppositions on which our European policy rests, to examine its continuing validity, and to appraise frankly and realistically the proposals being made for change and adjustment.

Two World Wars have led the American people to perceive with great clarity that the security of the United States is directly linked to the security of Western Europe.

Pursuant to this belief, which was formalized in the North Atlantic Treaty of 1949, the United States has maintained a major military establishment on European soil since the early 1950's. U.S. nuclear power as well as conventional forces are available in support of this treaty commitment. Although Europe is now incomparably stronger than it was when this arrangement was first contracted, its ultimate security, like our own, continues to be linked to our power and nuclear deterrence. Because of this, one of President Nixon's first acts upon taking office was to reaffirm the American commitment to NATO and to promise close and continuing consultation within the Alliance.

Deterrence is a subtle concept. Its reality takes form largely in the minds of those who might be contemplating aggression. It is effective only when they conclude that any possible advantages of aggression would be offset by its predictable costs.

NATO's strategy of flexible response is calculated to insure that any potential aggressor would come to just this conclusion.

Our conventional forces are maintained in position in Europe to resist possible attack by Warsaw Pact formations. They are meant also to deter piecemeal aggression which an enemy might be tempted to conclude he could get away with if the only alternative to our capitulation were the unleashing of nuclear war. These forces are supported by a broad arsenal of tactical nuclear weapons, available for use if the intensity of the aggression rises.

The entire effectiveness of the flexible response strategy rests perforce on the conviction in both parts of Europe that the United States will fulfill its determined role. And the United States military presence in Europe, whether we like it or not, continues to be taken as tangible evidence of our commitment.

We must face the fact, therefore, that any sudden or dramatic reduction in the United States military presence in Europe would have unpleasant consequences of two kinds.

First, as a practical military matter, NATO's conventional defenses would be significantly weakened. Other NATO members might be tempted to follow suit and cut forces further. In the event of aggression, a less powerful NATO Alliance might be driven to resort more quickly to nuclear weapons.

Secondly, and of probably greater consequence, any sudden or major withdrawal of American forces would have a distinctly destabilizing effect on the European scene.

The structure of the Alliance, as indeed the entire structure of world order which we have helped erect since the war, rests in the final analysis on the shared confidence that we shall honor our commitments.

If that confidence is eroded a rapid deterioration can occur—a deterioration not unlike that which can send prices on the stock market plummeting. And for this reason it is doubly necessary that we not lightly or hastily make moves that might undermine confidence in the strength of our support. It is for this reason that we have pledged to maintain our present troop strength in Europe through Fiscal Year 1971.

Let me stress that none of this suggests that U.S. troops will have to remain in Europe at present strength forever and ever. Certainly we hope that future conditions will allow modifications of our role. Our current force level in Europe of 310,000 men already, in fact, represents a considerable drop from the peak of 408,000 in 1962 during the Soviet war of nerves on Berlin. We are also continually studying and trying to improve the means by which troops stationed in the United States can be rapidly returned to Europe in case of crisis. The Mansfield Resolution urges that greater use be made of this redeployment option.

Our studies show, however, that under present conditions front-line forces hastily returned to Europe in time of crisis could not carry out their mission with the same effectiveness as forces already in place. Although rapid redeployment of limited forces is feasible, large-scale efforts of this sort expose these forces to hazards and potential confusion.

Moreover, financial savings would be negligible. If, for example, all of our current forces in Europe were brought home and stationed in this country, little or no savings would appear in our defense budget. We might even have to spend a bit more, because we would lose significant financial advantages.

In Germany, the Federal Government makes land, housing, facilities and services

available to our forces at no cost, or at reduced costs. Duplicating such facilities and support in the United States would involve a heavy and continuing expense—one roughly cancelling out savings in shortened supply lines and transportation costs to Europe.

The balance-of-payments drain of our military deployment in Europe is currently about $1.5 billion a year. This is unquestionably a large figure, and, if our forces were returned to this country, many of those dollars would stay at home. The problem is partially neutralized, however, by offset arrangements with the European countries, particularly Germany and we are exploring means of making these arrangements more adequate. In addition, withdrawal of our force from Europe would be likely to evoke prompt countervailing effects, notably in reduced sales of military equipment to our Allies and in general exports to those countries.

If we have not neglected the consideration of means by which our presence in Europe could be streamlined or modified without damaging the essential structure of the Alliance, neither have we ignored the opportunities which the era of negotiation we have now entered may hold for the future. In this area we must also make meticulous and balanced judgments, taking care not to allow our efforts to bring about agreements with the Soviet Union to undermine our relations with our friends in Western Europe.

We must have a proper regard for the always latent fear that agreements will be reached detrimental to European interests. We cannot, of course, allow the existence of this fear to deter us from seeking to lower tensions. Ironically, in fact, there exists among a younger generation of Europeans the converse suspicion that the United States and the USSR are collaborators in the defense of the status quo. But we intend to do everything possible to allay such fears and suspicions by sticking strictly to our pledge to consult closely with our allies and take their interests into account as talks go forward. Only by such close consultation can we quiet the Cassandras who see every effort at US-Soviet rapprochement or even minor moves to adjust force levels as evidence of betrayal.

During the past year in-depth consultations have been held on a wide range of subjects, including the question of strategic arms limitations. The Deputy Foreign Ministers of the NATO governments, at President Nixon's suggestion, held the first of what we expect to be periodic reviews of major, long-range problems before the Alliance.

It is particularly important that there be the fullest consultations on the SALT talks. The very fact that these talks are going on has stimulated some uneasiness in Europe. It is well understood that the talks imply changing strategic relationships and that their success could further affect the situation. As President Nixon put it last spring: "The West does not have the massive nuclear predominance today that it once had, and any sort of broad-based arms agreement with the Soviets would codify the present balance."

Given the European sensitivities on SALT and nervousness about changing military relationships, it would seem wise not to compound anxieties at this time by any moves to reduce our troop strength on the continent.

While attempting to keep our allies abreast of our own negotiating activities, we are welcoming and encouraging their own efforts, particularly those of West Germany, to improve relations with the Soviet Union and the countries of Eastern Europe. One of the most promising areas of potential progress with the Eastern European nations lies, we believe, in reaching agreement on mutual and balanced East-West force reductions.

We are now working with our allies to develop models which could form the basis for such an agreement. The NATO countries Foreign Ministers, meeting last December, said in their Declaration that despite the fact that there had been no response on earlier suggestions, the Allies "will continue their studies in order to prepare a realistic basis for active exploration at an early date." They concluded their studies on the subject had already progressed sufficiently to permit the establishment of criteria which reductions should meet. They directed that further consideration also go forward on related measures such as advance notification of military movements or maneuvers, the exchange of observers at maneuvers, and the establishment of observation posts. This, we are convinced, is a constructive approach much more specifically directed at a concrete issue generating tension than the Warsaw Pact's vague proposal for a European Security Conference.

We hope the Warsaw Pact nations will respond. Realism, however, suggests that they will be less likely to respond if a unilateral reduction of U.S. forces appears in the offing anyway. The firm belief that it would weaken our bargaining position on balanced force reduction is thus another reason why the Administration opposes the Mansfield Resolution.

Among the questions raised by those who favor an immediate and substantial reduction of our forces in Europe is whether the burden of NATO defense is now fairly allocated. The prosperous Europeans should, they feel, carry a much larger share of the defense of their own continent.

We agree—up to a point. The United States believes that our European allies can and should do more. We have told them often that if they increase their own efforts, it would help us to maintain ours. So even though they actually have increased their defense budgets to cover improvements in their forces, while our own defense budget has been declining, we have and are continuing to press them to assume a larger share of Europe's defense responsibilities.

A precipitate reduction of United States forces in Europe would, however, not only fail to stimulate additional European effort, it would probably produce the contrary effect. The bulk of any substantial reductions in U.S. forces would have to be made up by West Germany, the most populous and wealthiest of our NATO allies. But the German people do not relish an enlargement of their country's military establishment. Nor certainly does a Soviet Union still highly emotional about its 20 million World War II dead and enormously sensitive on the subject of German "revanchism." Indeed, it would give pause even to some of Germany's allies.

Any insignificant rise in the German defense effort could thus destroy Chancellor Brandt's constructive efforts to improve relationships with the Federal Republic's Eastern neighbors and thereby halt the attempts to lay the foundation for a settlement of the issues still dividing Europe.

I spoke earlier of the fact that we did not want to suggest that the present number of U.S. troops in Europe was inviolate and could or would never be changed. We hope that conditions will eventually come about which will render their presence altogether unnecessary. But when such conditions do come, I feel certain they will be the result of hard and patient bargaining.

Back in 1948, when the Cold War was very cold indeed, Belgian Foreign Minister Paul Henri Spaak, addressing himself to the Soviets' Andre Vyshinsky at a UN Security Council session, said: "The basis of our policy today in Europe is fear. We are afraid of you. We are afraid of your government and we are afraid of the policies which you are pursuing."

Twenty-two years later tensions are lower and East and West are engaged in substantive discussions aimed at lowering them further. But the basic cement holding together the Alliance is still the threat from the East. The United States does not control the Alliance. When France chose to withdraw from NATO we could not prevent it from doing so. Unlike the Warsaw Pact which rests on an ideological base guarded and sanctified by the Soviet Union, NATO has no dogmatic underpinnings. There is no Western version of the Brezhnev Doctrine. When there is no more threat to the security of the nations of Western Europe, there will be no more need for NATO. And only when the confrontation in Europe truly ends and a genuine peace replaces the always precarious peace of mutual deterrence will the role of our troops be finally accomplished.

On another front, in response to the President's initiative, the Alliance has taken on a new dimension by creating a permanent Committee on the Challenges of Modern Society to help deal constructively with some of the most pressing problems common to all of its members—the problems of the environment.

The United States, meanwhile, continues to support the goal of a politically and economically integrated Europe. Despite the recent signs of drift, economic integration has come far, and there are indications that new moves forward may be developing. The most ambitious of the European regional arrangements—the European Community of the Six—has already gone beyond the earlier conception of international cooperation to a new form of relationship among nation states.

Since the EEC was established in 1958 its members have abolished tariffs among themselves, agreed upon important measures of the harmonization, instituted an ambitious common agricultural policy and removed most barriers to the free movement of capital and labor. As a group the Six have enjoyed significantly higher rates of economic activity, trade and growth than before 1958. Inter-Community trade has almost quadrupled. Since 1967 Community trade with the outside world has exceeded that of the United States.

The recent Summit Conference of the Six at the Hague and the success of the Council of Ministers of the Community in agreeing on a far-reaching plan for financing their common agricultural policy preface moves to perfect the economic union and extend it to new members in the next year or two. On the latter point, the interests of the United States are very much engaged, not only economically but militarily, for enlargement of the European communities to admit countries not committed to the defense of the West raises questions about the possibilities of political unity, and the underlying strength of the NATO Alliance itself.

The United States sees no conflict between the goal of European integration and the efforts now going forward to end the dangerous and increasingly anachronistic division of the Continent. We welcome the indication that dissatisfaction over the continuing gulf between the two halves of Europe is growing in the East as well. Stronger relationships in Western Europe itself can, we believe, facilitate the building of stronger relationships with the East.

"I believe we must build an Alliance," the President has said, "strong enough to deter those who would threaten war; close enough to provide for continuous and far-reaching consultation; trusting enough to accept diversity of views; realistic enough to deal with the world as it is; flexible enough to explore new channels of constructive cooperation."

In the past year, I believe, we have strengthened the Alliance on each of these counts. Strength, closeness, trust, realism,

flexibility—these will be useful assets as we move toward the new hopes and new possibilities of the "era of negotiation."

SENATE RESOLUTION 292—SUBMISSION OF A SENATE RESOLUTION RELATING TO SUBSTANTIAL REDUCTION OF U.S. FORCES PERMANENTLY STATIONED IN EUROPE

Mr. MANSFIELD. Mr. President, at this time this country has 429 major bases overseas and 2,297 lesser bases. These bases cover 40,000 square miles and are located in 30 countries. Stationed on these bases are 1,750,000 servicemen, families, and foreign employees, and the cost of maintaining these bases is approximately $4.8 billion a year.

Mr. President, I would like to discuss one area in which we have a large number of bases and an extraordinarily large number of troops, namely, Western Europe.

On January 19, 1967, I submitted Senate Resolution 49 which expressed the sense of the Senate that "a substantial resolution of U.S. forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty." I wish to introduce an identical resolution again today and ask unanimous consent that its text be printed in the RECORD at the conclusion of my remarks and that the resolution be referred to both the Committee on Foreign Relations and the Armed Services Committee.

The PRESIDING OFFICER. The resolution will be received and referred to the Committee on Foreign Relations and the Armed Services Committee; and, without objection, the resolution will be printed in the RECORD.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, we have had several hundred thousand men in uniform stationed in Europe since 1951 when President Truman, responding to the then existing situation and to a Senate sense resolution of that day, announced the first substantial post-World War II increase in U.S. forces there. When Senate Resolution 49 was introduced 2 years ago there were about 372,000 military personnel in Europe, including Turkey, Spain, and the 6th Fleet in the Mediterranean; this force was accompanied by some 240,000 dependents, a grand total of 612,000. There are now about 315,000 men—a good reduction—and they are accompanied by 235,000 dependents—not a good enough reduction—and 14,000 civilians employed by the U.S. Government. Thus, there are over 550,000 Americans in Europe today who are either in military service or associated with the military, and maintained wholly or largely by the Government of the United States.

We now have, overall, about 3.5 million men under arms. Of this total, about 1.2 million are stationed outside the United States, according to figures provided by the Department of Defense. In addition to those in Europe, there is a force of about 479,500 in Vietnam.

May I say, parenthetically, that as of last Thursday, this is 4,500 in excess of the 60,000 announced withdrawal by the President of the United States, a withdrawal which was to be met by December 15, 1969. Thus, I congratulate the President for going beyond the 60,000 mark. I hope that this is a continuation of a policy which, perhaps, may not be announced but which will be continued in effect, to the end that more and more troops can be withdrawn as appropriately as possible from Vietnam and all of Southeast Asia.

There are 129,000 in the fleets abroad, 58,000 in Korea, 45,000 in Thailand, 42,000 on Okinawa, another 40,000 in Japan, 28,000 in the Philippines, 24,000 in Latin America, 10,000 in North Africa and the Middle East and another 10,000 in Canada, Greenland, and Iceland.

This commitment of men abroad obviously represents an enormous cost to the people of the United States. It is reflected in a military budget of some $80 billion and in the tax rates. It is also reflected in a balance-of-payments deficit which amounted to $1.3 billion in the first quarter of this year.

Our net foreign exchange gap with Germany alone is now running at about $965 million per annum. This is the highest figure to date. In 1968, the figure was $887.4 million. It had been between $700 and $800 million in the period 1963 through 1967, and under $700 million in the years before 1963.

In the past, part of this exchange gap has been covered through various agreements with the West German Government. In fiscal years 1962 through 1965 these so-called offset agreements consisted simply of commitments by the West German Government to procure military equipment in the United States. The agreement for fiscal years 1966 and 1967 provided for military procurement plus the prepayment of a West German debt. The fiscal year 1968 agreement provided for military procurement plus purchase of special medium-term U.S. Treasury securities by the West German Government. In fiscal year 1969 the agreement provided for military procurement plus the purchase of special U.S. Treasury securities by the West German Government, plus additional purchases of U.S. Treasury securities by West German banks plus an agreement by Lufthansa to finance purchases of aircraft.

I have had the Library of Congress draw up a table showing the terms of these so-called offset agreements between the United States and West Germany in fiscal years 1962 through 1969 and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MANSFIELD. Mr. President, agreement was reached with the West German Government on July 9 covering fiscal years 1970 and 1971. The agreement provides for an inflow of foreign exchange in the amount of $1.52 billion over the next 2 years. In addition to military procurement in the United States, the agreement provides for a West German Government loan, plus retention in the United States for 2 years of interest earned by West Germany on U.S. Treasury deposits, plus the purchase by West Germany of U.S. Export-Import Bank and Marshall Plan loans, plus West German civil procurement in the United States, plus payment to a fund in the United States for encouraging German investment plus advance transfers for debt repayment by the West German Government to the United States. A concessional interest rate of 3.5 percent will apply to the West German Government loan and to certain deposits in the U.S. Treasury for military procurement. I ask unanimous consent that the text of a press release issued by the Department of State on July 9, giving the terms of the agreement, be printed in the RECORD at this point.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

"PRESS STATEMENT

"The U.S. and German delegations announced today the conclusion of a new agreement for offsetting foreign exchange costs of American forces in Germany for U.S. Fiscal Years 1970 and 1971. The delegations have been conferring in Washington this week on the third and concluding round of their talks.

"The agreement provides for an inflow of foreign exchange to the U.S. in the amount of 1.52 billion dollars. These inflows will be achieved by $925 million of procurement of U.S. goods and services (61% of total agreement) and $595 million of financial measures (39% of total).

"Details are as follows:

"[In millions of dollars]

"Military procurement in the United States	800.00
Federal Republic of Germany loan to the U.S. (repayable after ten years)	250.00
Purchase by Federal Republic of Germany of loans held in portfolio of Eximbank and of outstanding Marshall Plan Loans	118.75
Civil procurement in the United States by Federal Republic of Germany	125.00
Creation of fund in U.S. by Federal Republic of Germany to encourage German investment in United States	150.00
Advance transfers by the Federal Republic of Germany for debt repayment to the United States	43.75
Retention in the United States of interest earned by the Federal Republic of Germany on U.S. Treasury deposits	32.50
Total	1,520.00

"It was agreed that the interest rate which would apply to the inter-government loan and to certain Federal Republic of Germany deposits in the U.S. Treasury for procurement would be 3.5 percent.

"The Export-Import Bank and Marshall Plan loans purchased by the Federal Republic of Germany would bear, on the average, a rate of interest at four percent with respect to certain loans and five percent with respect to others.

"The U.S. delegation was led by Deputy Under Secretary of State Nathaniel Samuels; the German delegation was headed by State Secretary Guenther Harkort of the Foreign Office."

Mr. MANSFIELD. Mr. President, I would like to make several comments on the agreement. Before doing so, I should note that the Department of State apparently believes that this agreement represents a considerable improvement over previous agreements. To be sure, the amount of the military procurement is greater than last year, or the previous years. The borrowing by the United States is for a longer period than in the past and a concessional rate will apply to the West German Government's loan. The total amount is higher than ever before and the agreement is for 2 years instead of only one.

In those respects there has been "improvement." It would be well to bear in mind, however, that there is another side of the coin. While the amount of foreign exchange inflow involved is higher, so is the foreign exchange gap because it becomes more expensive every year to keep our forces in Germany. With the reevaluation of the German mark, moreover, this expense stated in dollars will increase again, and, possibly, more drastically than in the past. Furthermore, the agreement represents only about 80 percent of the foreign exchange outflow from the United States to Germany in the coming 2 fiscal years. And, while the West German Government loan to the United States will carry a concessional interest rate of 3.5 percent, nevertheless it represents an obligation of the United States which must be renewed or redeemed; the interest will result in some annual capital outflow and the capital of the loan itself must be regarded as, eventually, a large item of outflow. Finally, since the agreement is for a 2-year period, it may imply a commitment on our part to retain substantially the present level of U.S. forces in Germany for the next 2 years whether or not that should prove desirable or in accord with our national needs now or a year from now. In fact, the new West German Chancellor said in an interview in the November 14 issue of

Time magazine that there was "an understanding on both sides," when argument was reached on an offset arrangement for the next 2 years, that there would be no "substantial changes" in the level of U.S. forces during this period.

No matter how the current agreement is regarded, there is no escaping the fact that the assignment of U.S. military forces in Germany and Europe is a voracious consumer of U.S. resources, a source of inflation and, in present circumstances, a factor in the reduction in the international strength of the dollar.

It is a cliche to say that the United States is a rich and powerful country. After the long drain on Vietnam, however, it may be wise to take another look at that glib assertion. In terms of surplus for necessary national purposes at home and abroad, we are beginning to scrape the bottom of the barrel.

Other nations have come to realize that if they are to accomplish the essential tasks at home, it may be necessary to concentrate on only the essential tasks abroad. In my judgment, it is long past time for us to face the facts of our situation and reach the same conclusion. In this connection, I welcome the President's July 9 order to reduce the number of military men based abroad by 14,900—also his most recent order of the day or so ago in which approximately another 14,000, almost all in the Pacific area, will be reduced insofar as our Armed Forces are concerned—although in my judgment it is regrettable that the reduction is so limited and that the forces committed to NATO have been completely exempted from this cut in military forces overseas.

On April 15, I had printed in the RECORD the defense policy statement made by the Canadian Prime Minister on April 3. In that statement, Prime Minister Trudeau said:

"NATO itself is continuously reassessing the role it plays in the light of changing world conditions. Perhaps the major development affecting NATO in Europe since the organization was founded is the magnificent recovery of the economic strength of Western Europe. There has been a very great change in the ability of European countries themselves to provide necessary conventional defense forces and armaments to be deployed by the alliance in Europe.

"It was, therefore, in our view entirely appropriate for Canada to review and re-examine the necessity in present circumstances for maintaining Canadian forces in Western Europe. Canadian forces are now committed to NATO until the end of the present year. The Canadian force commitment for deployment with NATO in Europe beyond this period will be discussed with our allies at the Defense Planning Committee meeting in May. The Canadian Government intends, in consultation with Canada's allies, to take early steps to bring about a planned and phased reduction of the size of the Canadian forces in Europe."

According to press reports, which I understand to be accurate, the present plan is to reduce the number of the Canadian contingent of about 10,000 in Western Germany to about 4,000. This is a small reduction in numbers but a large reduction in percentage and would seem to represent, in effect, a change in the Canadian estimate of the situation in Europe, as well as a revision of policy on the part of the Canadian Government. I would hope this Nation would study the Canadian action most carefully. To me, it seems an adjustment which looks to the future instead of to the past.

Last year at this time, we too, appeared to be on the verge of moving in the same direction. There was widespread support in the Senate for a proposal by the distinguished Senator from Missouri (Mr. SYMINGTON) which would have had the effect of lowering substantially the level of our forces in Europe. Most regrettably, there was the occupation of Czechoslovakia on August 20 by 400,000 Soviet and other Warsaw Pact forces. The time was one of extreme uncertainty, with various obscure troop movements in Eastern Europe. It was far from clear that the relatively bloodless coup in Czechoslovakia would mark the culmination of this activity. There was fear that the difficulties in Eastern Europe might spread throughout Europe.

As I stated at that time, a substantial reduction in U.S. Forces in Europe in those circumstances could have been subject to misinterpretation in the East, and brought grave uncertainty in the West. I added, however, that, in my judgment, it remained desirable to undertake a gradual reduction in U.S. forces if and when the situation in Eastern Europe offered reasonable assurance that developments there were not going to spill over into Western Europe. It seems to me that that time has now arrived. The Soviet Union faces serious problems in Czechoslovakia and elsewhere in Eastern Europe. If that were not enough, there is a difficult situation to the East on the Soviet-Chinese border. Soviet troops in Czechoslovakia, moreover, have been cut from several hundred thousand to about 70,000. While it is regrettable that the internal political life of that enlightened nation is again dictated by a foreign power, certain realities as they bear upon our military presence in Europe must be faced. What transpired in Czechoslovakia was not controllable in any fashion by NATO and bears no direct relationship to the question of the size of American forces assigned in Europe to that organization. Had there been only one or two divisions or, for that matter, seven or eight or 18 divisions of Americans in Western Germany, instead of four or five, would they have had any different effect on the situation as it developed in Czechoslovakia last year? I can find no basis for any such contention. Events within Eastern Europe are, as they have been since the Hungarian interlude made apparent for all to see more than a decade ago, beyond the direct reach of the North Atlantic Treaty and the military structure of NATO.

Nevertheless, it will be argued, as it is always argued, that the time is not right to make a substantial reduction of our forces in Europe. But it seems that the time is never right. I am aware of the recent press reports, for example, implying that NATO may be on the point of making a proposal to the Soviet Union and its Warsaw Pact allies for negotiations on reducing conventional forces in Europe. I would like to point out, however, that NATO has been studying the subject of balanced force reductions for years. My understanding is that there is still no agreed NATO proposal for balanced force reductions and it is not planned that there will be one until at least early in the summer. Even then, there is no reason to assume that discussions, much less full negotiations, will begin, for there has been no indication, direct or indirect, that the Soviet Union is interested in such discussions.

It will also be argued, as it is always argued, that bringing a substantial number of forces back from Europe will not affect our defense budget because we cannot reduce the number of men under arms. But it is also argued that it is not possible to reduce the number of men under arms because of the need to meet our NATO and other overseas commitments. This endless circle leading, in the end to fiscal exhaustion can and must be broken.

I am not now advocating, and I have not in the past advocated, that all U.S. troops be removed from Europe. Our vital interest in what transpires in Europe remains and a U.S. presence should remain. In this day and age an armed attack on Western Europe will certainly involve us almost from the outset. It is to our interest, therefore, that we are present before the outset. That need can be met, in my judgment, and should be met with a much smaller military force.

At the same time, a substantial reduction of our forces in Europe would have certain immediately beneficial effects on this Nation. In the first place, the balance of payments should soon reflect a sharp decrease in outflow for military purposes, even as it becomes possible to bring about a reduction in the National military budget. In the second place, a reduction in U.S. forces in Western Europe might provide some impetus for Western Europeans to develop their own defense efforts in line with their needs and to work together more closely in doing so. Integrated defense is supposed to be what NATO is all about. To the extent that we have continued to overparticipate in the defense of Europe, it follows that there has been far less interest in bearing the burdens of that defense among the Europeans themselves.

Finally, a substantial reduction of American forces would help to correct what I regard as a distorted relationship between Europe and the United States. The Soviet Union maintains half a million soldiers in Eastern Europe. While the Russians may ascribe this presence to a threat from the West, the fact is that the Soviet presence is also a significant factor in maintaining communist governments in power, as Czechoslovakia has so clearly illustrated. The democracies have no need of U.S. forces in order to maintain themselves within the nations of Western Europe; yet, that most significant political fact is disguised by our military presence in such great magnitude.

In my judgment, it is not a desirable situation for a foreign power either in Eastern Europe or Western Europe to keep somewhere in the neighborhood of a million men in these two camps, a quarter of a century after the events which initially put them there. Both contingents are somewhat anachronistic, to say the least. Yet the continuing presence of the one has become the principal basis for the continuing presence of the other. The persistence of the anachronism leads not only to a distortion of political relationships, but to a distortion of economic relationships. Indeed, the annual offset negotiation with the West German Government is a case very much in point. West Germany is, in effect, becoming a major banker for this Nation in order that we may pay for the continued maintenance of U.S. forces in Germany at this Nation's expense.

In short, the presence of American forces in Europe in such large numbers, in my judgment, has vestiges, if not of empire in a 19th century sense, then of military occupation and of the costly cold war and of the one-time complete preeminence of the dollar in international finance. Yet the age of empire, the era of occupation, the period of the cold war and one-sided financial preeminence are of the past. The persistence of these vestiges in present policies involves, in my judgment, a wasteful and dangerous use of our available resources. It acts to debilitate this Nation's capacity, both at home and abroad, to deal with the urgent problems of the contemporary era.

"EXHIBIT 2

"S. RES. 292

"Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people, and the maintenance of world peace; and

"Whereas the United States, in implementing these principles, has maintained large contingents of American Armed Forces in Europe, together with air and naval units, for twenty years; and

"Whereas the security of the United States and its citizens remains interwoven with the security of other nations signatory to the North Atlantic Treaty as it was when the treaty was signed, but the condition of our European allies, both economically and militarily, has appreciably improved since

large contingents of forces were deployed; and

"Whereas the means and capacity of all members of the North Atlantic Treaty Organization to provide forces to resist aggression has significantly improved since the original United States deployment; and

"Whereas the commitment by all members of the North Atlantic Treaty is based upon the full cooperation of all treaty partners in contributing materials and men on a fair and equitable basis, but such contributions have not been forthcoming from all other members of the organization; and

"Whereas relations between Eastern Europe and Western Europe were tense when the large contingents of United States forces were deployed in Europe but this situation has now undergone substantial change and relations between the two parts of Europe are now characterized by an increasing two-way flow of trade, people and other peaceful exchange; and

"Whereas the present policy of maintaining large contingents of United States forces and their dependents on the European Continent also contributes further to the fiscal and monetary problems of the United States: Now, therefore, be it

"Resolved, That—

"(1) it is the sense of the Senate, that with changes and improvements in the techniques of modern warfare and because of the vast increase in capacity of the United States to wage war and to move military forces and equipment by air, a substantial reduction of United States forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty;

"(2) S. Res. 99, adopted in the Senate April 4, 1951, is amended to contain the provisions of this resolution and, where the resolutions may conflict, the present resolution is controlling as to the sense of the Senate.

"Terms of offset agreements between the United States and Western Germany, fiscal 1962–1969

"[In millions of dollars]

	Agreed target payments
"Fiscal years and terms agreed by Western Germany:	
1962-1963, Military procurement by West Germany from the United States	1,875
1964–1965 Military procurement by West Germany from the United States	1,375
1966–1967, Military procurement by West Germany from the United States plus prepayment of West German debt to the United States in the amount of $192 million	1,350
1968, Military procurement by West Germany from the United States	100
1968, Purchase by West Germany of special U.S. Treasury securities	500
Total	600
1968, West Germany agreed that the Bundesbank would continue its practice of not converting dollars into gold.	
1969, Military procurement by West Germany from the United States	100
1969, Purchase by West Germany of special U.S. Treasury securities	500
1969, Purchase of U.S. Treasury securities by West German banks	125
Total	725
1969, Lufthansa agreed to finance $60 million purchase of aircraft in West Germany rather than U.S. market."	

Mr. ELLENDER. Mr. President, I am in complete accord with the views of the Senator from Montana.

For the past 10 years I have been advocating that we should remove our troops from Western Europe. It has been costing the taxpayers of our Nation over $2 billion annually to hold an umbrella of military protection over our allies in that part of the world.

In my humble judgment, there is no reason for keeping them there. It is irritating to our former allies and has the tendency of widening the breach between us and the U.S.S.R. We have been supporting Western Europe now for over 20 years, and I sincerely believe that it is long past time to move out of there. If protection is needed, which I doubt, the countries of that area are well able to care for themselves.

Keeping our troops there tends to maintain the fear and suspicion that the U.S.S.R. has of us and I have no doubt that the Russians will follow suit and remove their forces from the countries of Eastern Europe. As I have often said in the past, when former President De Gaulle of France ordered us out of his country we should have then and there left Europe.

In my most recent visit to the U.S.S.R., in 1968, I have reported to this body that I can see no world peace unless and until we can dispel the fear and suspicion that now exists between us and the U.S.S.R. and we should make every effort to accommodate ourselves with the Russian people. That can be done without in any manner embracing each others philosophy of government.

OIL IMPORTS PROGRAM

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized for 30 minutes.

OIL IMPORT ISSUE

Mr. HANSEN. Mr. President, there are numerous disturbing, if not alarming, aspects of the staff study and recommendations for changes in the present mandatory oil import program.

While the original policy changes recommended by the staff group, headed by Prof. Phillip Areeda of the Harvard School of Law, have been modified somewhat, according to press reports, the basic precepts of their policy proposals need to be better understood and discussed. It is my purpose, therefore, to amplify what I and others have said about the dangers inherent in such a plan as reportedly will be sent to the President with the approval of a majority of the Cabinet members of the Task Force on Oil Import Policy.

Rather than attempt to discuss a proposal of such magnitude, and one which could very well jeopardize the posture of the United States as a world power and the hope of the free world, at one sitting, I will summarize the plan as I understand it, itemize the principal areas I consider to be unsound and, in turn, discuss each separately.

First, I considered the President's decision to order a thorough study and analysis of the present oil import program as sound and necessary. The immediate need for an examination was the controversy over several applications for foreign trade zones into which foreign crude would be entered for processing; principally an application by the State of Maine Port Authority for a zone into which some 300,000 barrels daily of crude would be imported for processing by a refinery to be built by Occidental Petroleum Corp. The principal, if not sole, source of petroleum produced by Occidental is Libya.

The controversy centered around the circumstances of the State of Maine and Occidental's plan to use 200,000 barrels of the input for petroleum products that would move into U.S. markets, principally in the New England area, under special arrangements and agreements for rebates to the State of Maine and lower product prices.

The integrity of the oil import program had already been violated by special exceptions and exemptions in Puerto Rico and the Virgin Islands. Any regulatory program which accomodates one citizen or one company or one geographic area at the expense of another is emminently unfair. One special deal or exception begets demands for more such deals, as in this case.

Former Secretary of Commerce and Chairman of the Foreign Trade Zones Board, C. R. Smith, made a sound decision in deferring action of the Board of the Maine application to the incoming administration.

President Nixon made a sound decision in appointing the Cabinet Task Force on Oil Import Controls to study the problem and make recommendations. His objective was an unbiased report and for the chairman of the Task Force he selected Secretary of Labor George P. Shultz whose Department is not directly connected with oil imports.

There were those in the industry, however, who doubted the objectivity of the staff selected by the Task Force to conduct the study and make recommendations.

In the September 8 issue of the Oil and Gas Journal—long before any recommendations had been made—Mr. Gene Kinney, Washington correspondent for that publication wrote: "Chances slim for objective review of import policy."

According to Mr. Kinney:

President Nixon had in mind a fair, impartial review of import controls when he ordered the study last February. But is he getting what he ordered?

There is a very serious question that objective appraisal is possible, given the makeup of the staff of the cabinet task force recruited for the job. The staff consists mainly of economic professors, all with excellent academic credentials. But they are short on knowledge of, and insight into, the very important subject they are dealing with. And where they have been exposed to the issues involved, they come very close to prejudging the very questions the White House review is supposed to answer.

And that is: What policy will serve this nation best in protecting its security interest in adequate, reliable supplies of petroleum energy? Are import controls the most effective means?

One staff member, Edward W. Erickson,

seems already to have decided this key question in the negative. In his doctoral thesis at Vanderbilt last year, approved by Professor James W. McKie, now chief economist for the Task Force, Erickson pointed the finger at proration as the main drag on exploration. He quoted with approval the statement of M. A. Adelman, of Massachusetts Institute of Technology, that the threat of imports is an illusion.

Erickson's theme was that market-demand proration, restricting the rate at which producers can exploit a prolific find, makes them think small. They look for and find the smaller fields that are cheaper in total exploration costs but have higher costs per barrel, according to Erickson's study. He cites Adelman to the effect that the main reason for the price differential between U.S. and foreign crudes—85 cents to $1 of the $1.25 spread—is due to "wasteful practices" under state regulation.

Erickson concludes his thesis with "an endorsement of a belief which my work supports." M. A. Adelman asserts, "freed of the regulatory incubus it now supports and also of the illusion that imports are the source of its woes, and with a huge natural-gas market, the domestic industry might, if given a chance, surprise itself as to how tough a competitor it can be." Adelman's observation is made in the context of a consideration of how much currently developed capacity would survive the elimination of import controls. But I believe it also applies to exploration.

Another task-force member, Thomas Stauffer, a PhD candidate at Harvard, described oil companies as financial "colonialists" in a paper presented at the 1967 Arab Oil Congress.

Kinney continues.

Their views may not reveal a conflict of interest. But they do suggest a conflict of attitude and one that flaws their work, however conscientious they may be. And they raise a question as to whether the President and the cabinet task force are getting the objective appraisal they think they're getting and the country has a right to expect.

Beginning in November, leaks of the proposed plan began to appear in the press and copies of the proposed program were either released or bootlegged. As stated in the report, a proposed tariff system would supplant the present quota program with an objective "to move domestic market prices smoothly to their lower levels in all sections of the country while imports rise gradually to their higher level."

The proposed program outlined a plan by which:

First, a $2.50 south Louisiana wellhead price, for 30-degree crude, is achieved by the end of a 2- or 3-year transition period;

Second, subsidies embodied in the current quota system are phased out over a suitable period;

Third, tariffs are used as the basic method of import restrictions, with some reserve mechanism to prevent any sudden or excessive increase in the volume of imports from Eastern Hemisphere sources;

Fourth, a tariff exemption is extended to Canadian imports in the context of common policies to be negotiated on related energy matters, with an initially lesser preference for Latin American imports—subject to expansion over time with increases in U.S. import requirements; and

Fifth, both for the transition period and for the longer term, a management system is created to monitor both the mechanics and the underlying rationale of the restrictive system.

Following the release of the publicized reports of the proposed program and the storm of industry protest that ensued, the Cabinet task force was reported to have split on the recommendations it would make to the President. Five of the members were reported favoring a modification of the plan whereby domestic crude prices would be pushed down to $3 a barrel rather than $2.50 as recommended by the staff. Two others were reported as opposing the plan.

Since voicing my objections to the policy principles of the plan and various specific phases of the proposal, I have been advised by Presidential assistants that the task force recommendations have not yet been made to the President but will be presented probably about the end of this month.

While I cannot believe the President would approve a plan that is so contradictory to present administration policies, I want to be certain that alternatives to the task force proposals are thoroughly aired and also that Members who have not studied the report or who might not consider their States threatened by its implications may realize the full magnitude of the proposal.

Those who have no oil production in their States should consider the implied threat of cheaply produced foreign imports to other industries if manipulation of imports is to be used, as proposed, as an instrument of domestic price control.

The advocates of cheaper domestic oil products should seriously consider the precedent such a price-fixing policy could set and the threat it might impose to industries in their States before condemning the oil industry.

It is time, in fact, that someone said something good about the petroleum industry as a whole and the vital role it has played in the technological development and progress of this country and I intend to do just that in this series of discussions on the oil import problem.

I shall also emphasize what I consider to be the economic consequences which were not adequately considered by the task force and the differing judgments which have been drawn by other recognized authorities and the significance of these differences. Among these are:

First. National security risks.
Second. Consumer interest.
Third. Conservation of irreplaceable resource.
Fourth. Economic aspects.
Fifth. Precedent of price fixing.
Sixth. Weaknesses of a tariff system.
Seventh. Violation of State statutes.
Eighth. Threat to natural gas supply.
Ninth. U.S. trade policy.
Tenth. Objectivity of task force study.
Eleventh. Alternatives.

Congress has a responsibility in the mandatory oil import program. Although the program was initiated by Executive order in 1959, it was predicated on Federal law, the National Security Clause of the Trade Expansion Act of 1962 which was adopted from earlier legislation. It is most interesting to note that the clause specifically states that:

The President shall further recognize the close relation of the economic welfare of the nation to our national security, and shall take into consideration the impact of foreign competition on the economic welfare of individual industries; and any substantial unemployment, decrease in revenues of government, loss of skills or investment, or other serious effects resulting from the displacement of any domestic products by excessive imports shall be considered, without excluding other factors, in determining whether such weakening of our internal economy may impair the national security.

I shall next take up in detail the national security issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, January 22, 1970, be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PROCEED TO THE UNFINISHED BUSINESS AT THE CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the transaction of routine morning business is concluded today, the unfinished business be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF THE COMMISSION ON INSTRUCTIONAL TECHNOLOGY—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States,

which was referred to the Committee on Commerce:

To the Congress of the United States:

Section 301 of the Public Broadcasting Act of 1967 authorized the Secretary of Health, Education, and Welfare to conduct a comprehensive study of instructional television and radio. Former Secretary Wilbur Cohen appointed a Commission to conduct such a study. The report of that Commission is transmitted herewith.

This Administration will transmit its views on instructional television and radio and related matters at a later date.

RICHARD NIXON.

THE WHITE HOUSE, *January 23, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE RURAL ELECTRIFICATION ADMINISTRATION

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report of the Rural Electrification Administration for the fiscal year 1969 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting pursuant to law, that the appropriation to the Veterans' Administration for "Readjustment benefits," for the fiscal year 1970, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Veterans' Administration for "Compensation and pensions," for the fiscal year 1970, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT OF RECEIPTS AND DISBURSEMENTS TO APPROPRIATIONS FROM DISPOSAL OF MILITARY SUPPLIES, EQUIPMENT AND MATERIEL AND LUMBER OR TIMBER PRODUCTS

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report of receipts and disbursements to appropriations from disposal of military supplies, equipment and materiel and lumber or timber products, during the first quarter of fiscal year 1970 (with an accompanying report); to the Committee on Appropriations.

REPORT ON FAIR PACKAGING AND LABELING ACT

A letter from the Secretary, Health, Education, and Welfare, transmitting, pursuant to law, a report of the Department's Consumer Protection and Environmental Health Service, regarding the administration of the Fair Packaging and Labeling Act by the Food and Drug Administration during fiscal year 1969 (with an accompanying report); to the Committee on Commerce.

REPORT OF FOREIGN EXCESS PROPERTY DISPOSED OF BY THE FEDERAL AVIATION ADMINISTRATION

A letter from the Secretary of Transportation, reporting, pursuant to law, on foreign excess property disposed of during fiscal year 1969 by the Federal Aviation Administration; to the Committee on Government Operations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report that the assessment of fees for processing loan applications would help recover program costs of the Farmers Home Administration; Department of Agriculture, dated January 23, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT ON ACTIVITIES AND ACCOMPLISHMENTS PURSUANT TO THE WATER RESOURCES ACT OF 1964

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a report on activities and accomplishments pursuant to the Water Resources Research Act of 1964, as amended (with an accompanying report); to the Committee on Interior and Insular Affairs.

DR. ANTHONY S. MASTRIAN

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation for the relief of Dr. Anthony S. Mastrian (with an accompanying paper); to the Committee on the Judiciary.

PETITION

The PRESIDENT pro tempore laid before the Senate a resolution adopted by the town of Gulf Shores, Ala., deploring and condemning those who give aid and comfort whether wittingly or not, to the enemies of this Nation, which was referred to the Committee on the Judiciary.

SENATE RESOLUTION 320—RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR A STUDY OF EXECUTIVE REORGANIZATIONS AND GOVERNMENT RESEARCH

Mr. RIBICOFF, from the Committee on Government Operations, reported the following original resolution (S. Res. 320), which was referred to the Committee on Rules and Administration:

S. RES. 320

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make studies as to the efficiency and economy of operations of all branches and functions of the Government with particular reference to:

(1) the effects of laws enacted to reorganize the executive branch of the Government, and to consider reorganizations proposed therein; and

(2) the operations of research and development programs financed by departments and agencies of the Federal Government, and the review of those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1970, through January 31, 1971, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings upon the study and investigation authorized by this resolution, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $150,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PACKWOOD:

S. 3329. A bill to establish the Hell's Canyon-Snake National River in the States of Idaho, Oregon, and Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. PACKWOOD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. METCALF:

S. 3330. A bill to authorize rural housing loans to lessees of nonfarm rural land, and for other purposes; to the Committee on Banking and Currency.

By Mr. STEVENS:

S. 3331. A bill to provide for the awarding of a Police Medal of Honor and a Medal of Honor for Firemen; to the Committee on Banking and Currency.

S. 3332. A bill for the relief of Wilson Jerue; to the Committee on the Judiciary.

(The remarks of Mr. STEVENS when he introduced the bill (S. 3331) appear later in the RECORD under the appropriate heading.)

S. 3329—INTRODUCTION OF A BILL TO ESTABLISH THE HELLS CANYON-SNAKE NATIONAL RIVER

Mr. PACKWOOD. Mr. President, I am today introducing legislation establishing the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington.

An identical proposal was introduced in the U.S. House of Representatives this past Monday by the outstanding conservationist Congressman from Pennsylvania, JOHN SAYLOR.

This proposed legislation focuses on

one of the great challenges of our time—retaining the natural beauty of a spectacular gorge and an equally spectacular river basin.

This proposed legislation would encompass a 120-mile area along the Snake River from Homestead, Oreg., to Asotin, Wash. It would allow present and future generations to enjoy this area in its natural state of beauty.

The area symbolizes the West. It is rugged and real. It bridges the past and the present. It provides incentive for the future. It has scenic, recreational, geological, historical and cultural values. It is a paradise for the sportsman.

As one vitally concerned about environment, I believe it is in the best interest of all concerned that this area be preserved.

This bill places the administration of the Hells Canyon-Snake National River under the Secretary of Agriculture. It provides that a Commission of nine members be appointed by the Secretary as follows: Three members appointed from recommendations made by the Governors of the States of Idaho, Oregon, and Washington with each State having one member; one member designated by the Secretary of Agriculture; one member designated by the Secretary of Interior; two members representing fish and wildlife-oriented private organizations; and two members representing wilderness-oriented private organizations. Commission members would serve with no compensation for a term of 3 years, except initial members who would serve from 1 to 3 years. The Commission would be terminated in 10 years unless extended by Congress, or made a permanent Commission.

The Hells Canyon-Snake National River area consists of three administrative units:

First, the Seven Devils unit which encompasses some 314,000 acres in Nez Perce and Payette National Forests;

Second, the Imnaha unit which consists of about 355,000 acres in Wallowa-Whitman National Forest, and also a strip of land immediately adjacent to the Grande Ronde River, which is a tributary to the Snake River;

Third, the Snake River unit which contains approximately 50,000 acres extending northward about 36 miles on the Oregon and Washington side of the Snake River and along both sides of the Salmon River.

Within the Seven Devils unit, a portion not to exceed 115,000 acres in size is designated the "Seven Devils Wilderness Area."

The measure also provides that there will be no dams or other water impoundments on any portion or segment of the Snake, Imnaha, Salmon, or Grande Ronde Rivers within the Hell's Canyon-Snake National River; and that any such structures previously authorized by Congress within the boundaries of the area become deauthorized.

Whether dams should be built along the Snake River has been the subject of argument for over a decade.

I ask unanimous consent to have printed in the RECORD the following articles:

An editorial entitled "From the Snake to the Atom," published in the Medford, Ore., Tribune of March 26, 1968.

An editorial entitled "The Last Dam," published in the New York Times of June 2, 1968.

An article entitled "Engineer Tells Views on Dam," published in the Idaho Falls, Idaho, Post-Register of September 16, 1968.

An article entitled "Dam Would Jeopardize Fish, Says Biologist," published in the Idaho Falls, Idaho, Post-Register of September 17, 1968.

An article entitled "Oregon Survey Shows Idaho Boaters Make Considerable Use of Snake River," published in the Lewiston, Idaho, Tribune of January 31, 1969.

A letter to the editor of the Lewiston, Idaho, Tribune, written by Mrs. Marke Johnson, and published in the Lewiston, Idaho, Tribune of March 11, 1969.

An editorial entitled "This Dam Should Not Be Built," published in the Lewiston, Idaho, Tribune of March 13, 1969.

An article entitled "Godfrey Urges Hickel To Save Snake; Developers Offended," published in the Lewiston, Idaho, Tribune of August 4, 1969.

An article entitled "Conservation Issue Builds in Northwest," written by Malcolm Bauer and published in the Christian Science Monitor of January 14, 1970.

An article entitled "Must This Be Lost to the Sight of Man?" written by Michael Frome and published in Field and Stream for July 1969.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Medford (Oreg.) Tribune, Mar. 26, 1968]

FROM THE SNAKE TO THE ATOM

Two recent developments in the power supply picture of the Pacific Northwest call attention to themselves, not only for their intrinsic interest, but also because of their not-too-obvious relationship with each other.

One was the ruling last year by the U.S. Supreme Court, throwing out a federal license for construction of a dam at the High Mountain Sheep site on the Snake River, and the subsequent revision and re-filing for a license by the consortium involved.

The other has been the growing emphasis on thermal-electric generation—both coal-powered and nuclear-powered, particularly the latter—by both public and private power utilities in recent months.

The high mountain sheep project was proposed by the Pacific Northwest Power Company, which is jointly owned and directed by Pacific Power & Light Co., Portland General Electric, Washington Water Power, and Montana Power.

The Supreme Court decision questioned whether the development was required for regional power supply, and also directed the Federal Power Commission (which had issued the license) to permit presentation of further evidence on the question of whether the project should be built by the federal government.

Our contention is that it should not be built at all, and that the power generation needs of the future in the Pacific Northwest should be provided by thermal sources, and preponderantly nuclear ones.

In evidence of the second development cited above, PP&L and Washington Water Power are now getting ready to build a 700,000-kilowatt steam-electric plant near Centralia, near large reserves of coal. Also, PP&L within the past week has announced it stands ready to sponsor the construction of two nuclear power plants in Oregon at thus-far unrevealed sites.

The Eugene Water and Electric Board and Portland General Electric are well along in planning for two nuclear electric plants, as well.

So it is evident, solely on the basis of this (not to mention other items confirming the same trend), that the day of major new hydro-electric power generation facilities in the Northwest is about over. The High Mountain Sheep site is one of very few such sites remaining, and may be the last.

Granted this, and in view of national statistics that show nuclear power coming to the fore rapidly as the power source of choice in the near future, why not abandon the High Mountain Sheep project forthwith?

Every kind of power-generating facility has problems peculiar to its nature. Those using coal as a heat source must be located relatively close to supplies of coal. There also is the problem of air pollution to contend with. Hydro-electric plants need specific conditions of streamflow and head and, when located in isolated areas, need vast and expensive distribution systems.

Nuclear plants, too, have problems. One is public acceptance—although this seems to be diminishing as worldwide experience has shown them to pose minimum dislocations and virtually no danger.

The most serious problem in nuclear generation is the fact that such plants need ways to cool the nuclear reactors, and this usually means large supplies of water. Then there is the question of either cooling off the farm water (the new phrase is "thermal pollution") that results, or making use of it.

Of the three, though, it would appear to a layman that the nuclear reactor, now that it is becoming cost-competitive with the other means of generation, really poses fewer problems than they do.

And, if the High Mountain Sheep proposal is pressed (as present plans call for), it will revive all the animosities and battles that the Hells Canyon fight generated some years ago. This time, however, the conservationists—who believe with reason that the remaining unspoiled stretches of the Snake River should be preserved—will be fully aroused, and will be armed with the fact that is is one of the last of the remaining river wilderness areas. They will be allowed, by specific Supreme Court edict, the right to be heard.

Both logic and discretion indicate that PP&L and its associated firms abandon their last-ditch plans for the Snake, and turn instead to the atom. This is the wave of the future and a long series of bruising battles, alienating large segments of the nation's population, could thus easily be avoided.

[From the New York Times, June 2, 1968]

THE LAST DAM

Hells Canyon is a steep, spectacular gorge in the high, rugged country of Idaho. For thousands of years, the Snake River ran wild and foaming white through Hells Canyon on its way to join the Columbia River and then to the sea.

A dozen years ago, the Idaho Power Company, after a bitter fight with public power forces, constructed three dams to exploit the hydroelectric potential of the river. Now another struggle is under way to tame the Snake. This time the public and private power groups have joined together in a plan to build High Mountain Sheep Dam. Opposing them is Secretary of the Interior Udall, who argues for another site upstream where a dam would do less scenic damage.

At either site, however, a dam would destroy the last free-flowing stretch of river. The "White Water" trip graphically described in The Times travel section today would no longer be possible. A dam would back up

water for fifty miles and turn the magnificent wild river into a slack, man-regulated body of water no different from any other reservoir. The routine kinds of recreation that will be available around the artificial lakes now nearing completion are no substitute for the unique river-running experience that was once possible.

High Mountain Sheep Dam would be the last dam on the river and it would spell the river's death. With nuclear energy now a reasonable economic alternative, there is no good argument for building yet another hydroelectric dam. The free-flowing portion of the Snake deserves protection as a national scenic river.

[From the Lewiston (Idaho) Post-Register, Sept. 9, 1968]

ENGINEER TELLS VIEWS ON DAM

PORTLAND, OREG.—A sanitary engineer repeated testimony today that construction of High Mountain Sheep Dam on the Middle Snake River would cause a dissolved oxygen problem.

Francis W. Kittrell, a witness for the Department of the Interior, said fish runs would be damaged by the low dissolved oxygen at High Mountain Sheep.

His original testimony was presented in Washington, D.C. in April.

On cross-examination by conservationists, Kittrell said the dissolved oxygen problem would exist at any other dam built on the Middle Snake.

Admission of several exhibits took up most of the morning session as the Federal Power Commission hearing continued. It was expected to last through Friday.

Two power combines, Pacific Northwest Power Co., and the Washington Public Power Supply System, seek a license from the FPC to build High Mountain Sheep Dam on the Middle Snake.

The Interior Department and conservationists oppose the High Mountain Sheep site. Two other sites above the confluence of the Snake and Salmon River are favored by Interior.

Shortly before noon Monday, the State of Oregon repeated its position which favors the application of the joint applicants to build High Mountain Sheep on the Idaho-Oregon border.

The state also offered its fish and game commission technical experts for cross-examination.

[From the Lewiston (Idaho) Post-Register, Sept. 17, 1968]

DAM WOULD JEOPARDIZE FISH, SAYS BIOLOGIST

PORTLAND.—Construction of High Mountain Sheep Dam on the Middle Snake River could seriously jeopardize the existence of salmon and steelhead runs, a fisheries biologist testified Monday.

Robert T. Gunsolus, a biologist for the state of Oregon, was cross-examined at Federal Power Commission hearings in Portland on written testimony he gave earlier in Washington, D.C.

Gunsolus repeated his position that "any additional problem encountered by these fish, even a relatively minor one, could be enough to wipe out the run."

The hearings are on the application by two power combines to build High Mountain Sheep Dam. They are Pacific Northwest Power Co., and the Washington Public Power Supply System.

The Interior Department opposes the High Mountain site, favoring dams above the confluence of the Snake and Salmon rivers on the Oregon-Idaho border. Conservationists oppose any dams on the Middle Snake.

Gunsolus's testimony was in contrast to the official position of the state of Oregon, reiterated Monday, which favors hydroelectric development of the Middle Snake and supports the application of the two power combines.

Earlier, Francis W. Kittrell, an Interior who is a sanitary engineer for the government, said that if High Mountain Sheep were built there would be a dissolved oxygen problem which would damage the fish runs.

On cross-examination by conservationists, Kittrell said the dissolved oxygen problem would exist at any dam on the Middle Snake.

[From the Lewiston (Idaho) Tribune, Jan. 31, 1969]

OREGON SURVEY SHOWS IDAHO BOATERS MAKE CONSIDERABLE USE OF SNAKE RIVER

A special study by the Oregon Game Commission from June, 1968 through December, 1968 on the Snake River has shown that a high number of Idaho boaters use the Snake River.

During this period boaters contributed a total of 14,726 man days on the Snake River upstream from the Washington-Oregon State line. These people were fishing, hunting or boating and passed by the Oregon-Washington State line on their way upstream. This does not include recreation use at the mouth of the Imnaha, Dug Bar, below Hells Canyon Dam or at Pittsburg Landing.

The Oregon Game Commission had a checking station located at the mouth of Cache Creek on the Snake River and interviewed boaters passing this point last year. The dock for the checking station was provided by the Wallowa-Whitman National Forest. Some of the questions asked of boaters were their destination, where their boats were registered, what type of recreational activity they were involved in, the number of fishing hours, and their catch.

The survey showed that 80.5 per cent of the summer boaters had crafts that were licensed in Idaho, 39 per cent were from Oregon, and 15.6 per cent were from Washington. About 62 per cent of the fall and winter boaters were from Idaho, 12.5 per cent from Oregon, 23.7 per cent from Washington and 1.3 per cent that were not residents of the tri-state area.

During the summer 61.9 per cent of the boaters used guides and during the fall and winter this dropped to a little over 45 per cent.

FISHERMEN BUSY

The fishermen angled for a total of 12,725 hours and caught 2,972 smallmouth bass, 843 steelhead, 11 chinook salmon, 42 trout, 21 sturgeon and 46 channel cats. The hunter data is not yet available. During the summer 68.6 per cent of the people were just out for a boat ride but this dropped drastically in the fall and winter to only 16.6 per cent.

The study revealed that the use of this reach of the Snake River was much greater than anticipated.

During the coming year the Idaho Fish & Game Department, the Oregon Game Comission and the U.S. Forest Service will collect recreational use information on the Snake. The 1969 studies will be expanded to include the Dug Bar area, Imnaha River, Pittsburg Landing and the reach of river between Hells Canyon Dam downstream to Granite Creek. Use information for the lower Salmon River will also be collected at this checking station in 1969.

The Army Corps of Engineers also conducted a boating survey from April through September on the reach of the river from Lewiston upstream to Johnson Bar. They counted the number of boats and passengers but did not interview all the people. The survey was taken by airplane and by boat.

They also found a large number of boaters with an estimated total of 1,972 boats and 7,868 passengers.

According to Harold Borgers, Corps of Engineers, they determined that recreational use was reduced during the low flows released from Hells Canyon Dam. It was found that a minimum flow of 3,000 cubic foot per second and preferably a minimum of 10,000 c.f.s. is needed for boaters to safely pass Imnaha Rapids above the mouth of the Salmon River. The corps recorded flows as low as 5,000 c.f.s. at these rapids during June and July, the peak recreation months.

[From the Lewiston (Idaho) Tribune, Mar. 11, 1969]

NO DAM

To the LEWISTON TRIBUNE:

Although I have only recently become a resident of your beautiful valley here, I must speak out to warn everyone living here: This region is in danger of being spoiled, as was the area in the East from which I came.

I understand the Army Corps of Engineers, that insatiable bureaucracy, has just requested $75,000 in the present budget for a "new planning start" for the controversial Asotin Dam, authorized but not yet funded.

Perhaps longtime residents here don't realize what a jewel this free-flowing river is—both esthetically, recreationwise and commercially.

One of the first outings a visitor or newcomer takes is the drive from Asotin along the Snake to the mouth of the Grand Ronde—an area which would be flooded and ruined by the Asotin dam.

What a delightful and rare treat the natural river and its shores are to one fresh from the roaring freeways and blare of crowded cities and stagnant waterways.

In earlier visits I observed that this portion of the Snake is heavily used already by fishermen, boaters, swimmers, picnickers, "river combers" and those who wish a short drive to calm their nerves.

Despite the magnificent "snow job" put out by the Corps and others who have a monetary stake in this dam, is there really any valid justification for it, except to provide low-cost water transportation for the privately-owned lime deposits near the Grand Ronde?

I urge everyone to write those who will decide this matter: their congressmen. . . .

MRS. MARKE JOHNSON.

CLARKSTON, WASH.

[From the Lewiston (Idaho) Tribune, March 13, 1969]

THIS DAM SHOULD NOT BE BUILT

The request of the Army Corps of Engineers for $75,000 in planning funds for the Asotin Dam should be denied. There is no point in spending money, even planning money, on a dam which may very well never be built because it never has been justified. A large part of that $75,000 no doubt would be devoted to creating a justification for the dam, but that is just the sort of thing that ought to be avoided. We don't think a dime should be spent on this project until somebody other than the prospective builder has found good reason for building it.

The Corps originally conceived the dam as a navigation device to provide slackwater to large lime deposits on the Middle Snake. Assuming a good market for the lime, the Asotin Dam thus would sustain a small local mining and processing payroll. It also would produce some electric power and would help to stabilize the flow of the Snake River, now subject to fluctuation caused by Idaho Power Co. dams upstream.

And, so far as we know, that's it. Power production would be trifling; fluctuation of the water level has not been a serious problem; and the economic good to be derived from exploiting the lime deposits is a matter of conjecture.

In providing these nebulous benefits, the Asotin Dam would flood the most heavily-used river shoreline in the Lewiston region. Dozens of white sand beaches, easily acces-

sible from Lewiston and Clarkston, would be gone; scores of picnic spots between Asotin and the Grand Ronde River would lie under water; the present scenic road that winds along the river south from Asotin would be lost; mile upon mile of fine bass, steelhead and sturgeon fishery would be sacrificed; and access to the upper river from Lewiston and Clarkston by boat would be blocked or impeded, depending upon whether or not the dam were fitted with locks.

This being the case, the Asotin Dam would cost the region far more in lost recreation area than the dam would be worth. So, unless there is some need for it that has not yet been demonstrated, the project should be shelved.

We are not opposed to the Asotin Dam on principle. *The Tribune* has favored the construction of some dams, such as those on the Lower Snake River, which appeared to be worthwhile in relation to their cost, and it may do so again. We are opposed to the Asotin Dam specifically because it does not seem to be worth the cost, in money and in lost terrain.

The $75,000 now requested is a small sum in itself, but it is enough to buy new life for the project, to keep it on the drawing board and in the active planning stage. Experience tells us that money spent this way tends to draw other money after it, whether the job itself can be justified or not. The real danger in this request for $75,000 is that it will provide justification for spending more money, and that for still more, until a point is reached when it will no longer be possible to turn back.

That could very well happen in the case of the Asotin Dam. It has, after all, been authorized by Congress even if it hasn't yet been funded, and all the Corps needs to proceed is the money. The time to hold back the money is now.

[From the Lewiston (Idaho) Tribune, Aug. 4, 1969]

GODFREY URGES HICKEL TO SAVE SNAKE; DEVELOPERS OFFENDED

A letter from Arthur Godfrey to Secretary of Interior Walter J. Hickel, describing Godfrey's trip up the Middle Snake River early in July, drew a sharp response Friday from the Snake River Council, a group "dedicated to the development and conservation of the Middle Snake River Country," with headquarters at Enterprise, Ore.

Copies of both letters were made available to the Lewiston Morning Tribune.

In his letter to Hickel, dated July 9, Godfrey described his visit to Lewiston and his trip up the Middle Snake River by boat and helicopter.

He concluded the letter with these sentiments:

"Mr. Secretary, I implore you, I beg of you; make that trip out there as soon as you possibly can and see this place for yourself. I understand that it lies within the power of your post to permit or refuse the building of dams.

"Mr. Secretary, you must not allow anyone to build another dam in that river. The last 100 miles must be preserved for posterity. I hope you will fly as I did before heading north, over the Hells Canyon Dam in the chopper and see what happens when that beautiful river is raised 600 or more feet. Gone are the anadromous fish and the sturgeon. Only trash fish remain such as we can grow in any farm pond.

"SLIME REMAINS

"Gone are the birds and the beaches. Only steep, muddy, slimy banks remain. Gone forever the historic Indian petroglyphs and caves and other priceless relics. Gone would be another of the last fragments of nature as yet unspoiled by man. In its place, a deep, sluggish polluted lake full of hordes of faint-hearted outboard motor nuts spewing one-third of their fuel—unburned—into the waters along with their beer cans and other people-droppings.

"Please go and see it. Better still, permit me to arrange a trip for you such as I took."

In a letter addressed to Godfrey and signed by Wallowa County Court Judge S. J. Farris, as chairman of the Snake River Council, the group took exception to Godfrey's description of the pool behind Hells Canyon Dam as lined with "steep, muddy, slimy banks . . ." A copy of the letter was also sent to Hickel.

SECRECY RESENTED

The letter began: "We have been pleased to know that you had the chance recently to make a brief tour of the Snake River canyon . . . But we do resent someone just popping in, taking one quick trip into a limited reach of the canyon country with a boat guide openly opposed to any further development of the Snake River, and then racing away to expound theories on how this region should handle its resources.

"It is undignified for a national artist to discuss before so many interested but uninformed people your brief experience in the area, attempting to lead them along the lines of your single and limited-use concept.

"It is regrettable that you would not seek out some of those who live here and who have an honest interest in gaining full development of our resources in order that thousands of average citizens, not just the rich from California and New York, can find recreational enjoyment.

LIMITED VIEW

"It is also regrettable that you did not bother to visit even a portion of the great country surrounding the rather barren Snake River canyon—such as the Wallowa Mountains to the west, or the Salmon River country to the east, including that stream's truly exciting white water.

"Had you bothered to visit the surrounding area, perhaps you could have placed that short stretch of the Middle Snake River in its proper perspective. At least you would have been a better reporter. Then you would have been entitled to make whatever editorial comments you wished."

The letter ended with an invitation to "come back and visit us—we would like to show you the entire area and more spectacular scenery."

[From the Christian Science Monitor, Jan. 14, 1970]

CONSERVATION ISSUE BUILDS IN NORTHWEST

(By Malcolm Bauer)

PORTLAND, OREG.—The long struggle between private and public power has subsided in the Pacific Northwest. But in its place is a conflict of at least equal proportions: That between resource developers and resource conservationists.

After more than a decade of competition over a dam site on the Snake River between Oregon and Washington, private and public interests joined forces. Now they are aligned against those who say the Snake should be preserved as a "wild river" downstream from dams already built in mile-deep Hells Canyon.

A round in the new confrontation was fought out in Washington early this month before the Federal Power Commission. The hearing was on an application to build a Snake River dam at the Mountain Sheep site. It was jointly supported by officers of the Pacific Northwest Power Company, a combine of four Northwest private utilities, and the Washington Public Power Supply System, representing 17 Washington state public utility districts.

Representatives of both said that the $246 million dam they plan to build at Mountain Sheep was essential to meet the Pacific Northwest's demand for electric power through the mid-'70's.

NUCLEAR PLANTS SLOW

Utilities of the region have projected the construction of at least 10 nuclear power plants to supplement the hydroelectric power generated in the extensive Columbia River system. But only three such plants will be completed by 1977.

The Mountain Sheep dam, on the last available site for major power production in the basin, will be needed by that time, the FPC was told by Owen W. Hurd, managing director of the Washington Public Power Supply System.

This position was supported by Arthur J. Porter of the General Electric Company, in Portland, Oregon, one of four private power firms eager to undertake the project in partnership with the Washington public utilities. He said that cuts in the federal reclamation budget and difficulties of siting nuclear plants make an early start on Mountain Sheep dam essential to prevent a mid-'70's electric power shortage in the Pacific Northwest states.

LITIGATION YEARS OLD

The Mountain Sheep case has been in the courts and before the FPC for almost a decade and a half. At first, the public and private interests contested for the permit to build the dam. After years of argument, they concluded that the best way to obtain the energy for the use of all was to combine forces. They were granted an FPC license on those terms in 1964.

But the Supreme Court of the United States invalidated that license in a 1967 decision. It said that not enough attention has been given to a U.S. Interior Department proposal for federal construction of the dam, and added a precedent-setting provision holding that danger of fishlife and the Snake River's other natural assets must be a consideration in FPC action on the project.

[From Field and Stream, July 1969]

MUST THIS BE LOST TO THE SIGHT OF MAN?

(By Michael Frome)

At the confluence of the Snake and Clearwater Rivers, where Lewis and Clark pitched camp in October 1805, and where the pioneers found shelter the following year en route home, I arrived at the gateway to glad tidings, the kind we need in this age when emasculation of the landscape is almost a national psychosis.

It was not precisely the immediate setting that gave me the feeling of promise. The community of Lewiston, Idaho, seemed far from a fitting mirror of its heritage. An old logging mill town, rundown around the edges and bursting planlessly at the seams, with sulphurous pulp fumes drifting down the narrow canyon, Lewiston recalls a thousand other places that absolutely ignore the natural and historic endowments placed in their midst, and in their trust.

But the surrounding region, embracing portions of Idaho, Washington, and Oregon, is wide open country, the Northwest that Easterners dream about—uncrowded, uncluttered. Here one can go for endless miles without running out of pride in the native land. This is due to largely to protection over more than half a century by the U.S. Forest Service—which began with the homesteaders, hard-rock miners, stockmen and loggers, and found itself growing up with hikers, hunters, fishermen, boatmen, scientists and scholars. Critics may feel that occasionally the Forest Service slips in its responsibility, but here it has clearly held firm. And of all the National Forestland in this tri-state area, Hells Canyon of the Snake River sums up our yesterdays, todays, and tomorrows with the special challenge, hope, and second chance for this generation of Americans.

The United States Supreme Court afforded the second chance for Hells Canyon in 1967 when it questioned the need of damming the last free-flowing stretch of the

Snake River, thus reopening a case that seemed already signed and sealed. Aren't there other criteria than economics, the High Court asked, for determining the fate of wild land not specifically protected?

To put it another way, Hells Canyon may not be as renowned a phenomenon as the Grand Canyon of the Colorado, simply because it is more remote, but this doesn't mean that it is any less of a national treasure, or less worth saving in its natural state.

I had come to observe the river in question for Field & Stream and my own conscience, in company with Ernie Day, of Boise, Idaho, noted outdoorsman and photographer, and director of the National Wildlife Federation. We were joined by three men of the Forest Service. From the Idaho side was Everett Sanderson, supervisor of the Nez Perce National Forest, which embraces some of the finest wilderness and back-country recreation in America: the Selway-Bitterroot, Salmon River Breaks, Seven Devils Range, and a large portion of Hells Canyon. From Oregon we had Wade Hall, who has been on the staff of the Wallowa-Whitman National Forest, which borders the Snake, since 1926. He is almost part of the heritage of the river country because, as he explained, his mother had come to eastern Oregon in 1880 in a covered wagon at the age of 4. Then there was Alex Smith, a good friend of Ernie's and mine from the regional office at Ogden, Utah, and also a veteran of the Oregon forests.

It was a bright morning of last October when we started from the hotel (of course named Lewis and Clark) for Hells Canyon. At the river front we boarded the *Idaho Queen II*, whose owner and captain, Dick Rivers, holds the mail contract for delivery to isolated ranches over the 92-mile stretch of river from Lewiston to the head of navigation. Daring and dramatic riverboat trips started over this route a century ago, when sternwheelers clawed, rammed and winched as far as they could to unload supplies for gold seekers and homesteaders, who had no other link with the outside world. The 48-foot *Queen*, powered by twin 260-horsepower diesel engines, was clearly a work boat, but not unattractive, nor unpleasant to be aboard. Nor were we alone. A snug cabin had accommodations for about forty passengers and every seat seemed filled. Many were older people, derived from the group of travelers sometimes called "the tennis-shoe set." And around us along the wharf were jet-powered boats of various sizes, which also carry sightseeing passengers and fishermen. I was reminded of the popular trip on the Rogue River from Gold Beach to Agness in western Oregon. Such excursions afford a great many people an exciting run, a glimpse into wilderness without depleting the resource or depriving others of enjoyment.

This was my first trip into Hells Canyon, though I had become acquainted over the years with the Snake River in other portions of its thousand-mile journey from the Rocky Mountains to its merger with the Columbia. The second longest river in the Northwest, the Snake rises in western Wyoming, motherland of glorious rivers—including the Green, which becomes the main stem of the Colorado; the Madison and Gallatin Forks of the Missouri; and the Yellowstone. After joining the waters of little streams from high lakes and forests in the Teton and Yellowstone country, the Snake flows through a beautiful forested canyon south of Jackson, then winds across the sagebrush plains of southern Idaho before turning sharply north along the Oregon border for its final journey. Captain William Clark named it the Lewis River, after his intrepid partner, and the tributary now known as the Salmon River, a great stream in its own right, he called the South Fork. But others insisted on using the Indian name of *Shoshoneah*, which translated into English as Snake, and Snake it is.

In recent years, the Snake has been plugged by twelve major dams and reservoirs of varying sizes, shapes, and purposes. In the lurid dam-building orgy of the past decade that destroyed beautiful stretches of river and canyon all over America, in the name of profit, politics, and progress, the Corps of Engineers imposed four impoundments downstream from Lewiston. And upstream in the deep series of gorges along the Idaho-Oregon border, carved by the river in the last twenty-five million years, the Idaho Power Company added three more, named Brownlee, Oxbow, and Hells Canyon. Today, only a little more than one hundred miles remain of the native river untamed, unspoiled, approaching the natural conditions in which man found it. This area is in the very middle and embraces the wildest stretches of white water, flowing through the deepest canyons. And even this is threatened, for still another dam, Asotin, has been authorized at the upstream edge of Lewiston, and that will reduce the free-flowing segment of the river to 75 miles.

Such is the tragedy of the Northwest. The mighty Columbia, once the proudest river on the continent, is only a shadow of itself, almost entirely bottled by eleven main dams. Stream habitat for game fish and wildlife has been consistently destroyed. Only fifty miles of the whole Columbia River above tidewater remains free-flowing, and proposals have been actively advanced to construct dam No. 12. Named generously for Ben Franklin, No. 12 would eliminate the last natural steelhead fishery, as well as wipe out a trout and whitefish fishery, plus spawning areas of summer-run steelhead. Turbulence, temperature changes, and oxygen-deficient releases from reservoirs are a constant threat. Fishermen may be promised tailrace fishing below such projects, but with pumped-storage peaking operations a fact of the future, these fishing areas will vanish also under violent water fluctuations. In the name of power production for industrial development, the Ben Franklin Dam would also flood wildlife and waterfowl habitat, mule deer fawning areas, and nesting areas which produce 15 percent of Washington's Canada geese. No wonder the Washington Department of Game, sportsmen, and other conservationists are up in arms against this project of the Corps of Engineers.

The issues are parallel on the Snake River, which leads one to ask: Must the entire face of America be reshaped to look alike—over-industrialized, overpolluted, overpopulated?

The stubby *Idaho Queen II* headed upstream, for the first thirty miles between low hills on the flanking Idaho and Washington shores. A road paralleled our course on the Washington side to the Grande Ronde River, and then it stopped; I learned that other roads furnish access to points on both banks below the deepest part of the gorge, while hiking trails run forty or fifty miles along the river and numerous connecting trails feed in from side canyons.

At the mouth of the Grande Ronde, we saw fishermen casting from a gravel bar. Wade Hall mentioned that in summer water skiers come out in numbers. The hills grew higher as we continued upstream, with 3,000 foot cliffs rising from the water and white beaches.

It's the annual flooding action of the river that builds and refreshes these sand beaches and gravel bars, and that flushes the algae which accumulate during warm summer months. And it's the erosive power of the river in flood stage that sculptures and colors the striking canyon walls and midstream boulders. Such is life in a natural environment. Light-green broadleaf foliage growing on the beaches, bars, and at the mouths of tributary creeks contrasted softly with the walls of basalt and granite. On the warm canyon floor were white alder, wild cherry, and elderberry, while on the slopes were bitterbrush, serviceberry, blue bunch wheatgrass, western hackberry, mountain mahogany, and maple—the lower brushy draws furnishing ideal cover for game birds, as well as winter feed for the big game, with the timbered slopes as excellent deer country.

The canyon scene changed. Black rocks glistened beneath the sun. The scenery grew more towering. It changed with the hours as sunlight turned from one feature to another. It responded to clouds, shading first one, then another portion of the landscape. "It changes with the seasons, too," said Wade.

At Garden Creek Ranch on the Idaho side, facing the Washington-Oregon border, the *Queen* made her first stop, the first of about a dozen. The ports along the way are bits of beach into which a boat can ram its bow and back off again after letters, magazines and parcel post are put ashore. The schedule being purely flexible, we stopped to fish a while. A few fish were caught at our several stops. I noted that periodically the canyon would relent and fall back, allowing a bench on which some pioneer once staked his future. The various ranches that now survive actually began as either mining claims or homesteads operated by hardy souls struggling to survive.

The voyage through the turbulent stream was an adventure. The boat crashed headlong through rapids and ripples, the skipper heading straight for one bank, cutting close to a jagged boulder, then whirling the wheel. Rivermen once had to learn and memorize the rapids and channels, but now they have target boards on shore, which they line up like gunsights, enabling them to work their way upriver in switchbacks.

In due course all of us were impressed by the depth of Hells Canyon. The maximum measurable depth is 6,550 feet. It is deeper than Yosemite, and more than a thousand feet deeper than the Grand Canyon. Kings Canyon in California is rated its equal, but the great gorge of the Snake River is considered by scientists as the deepest canyon formed by any major river in America.

Presently the boat came abreast of the most celebrated stretch in the river, the battleground, which engineers, lawyers, planners, profiteers, and politicians seem about to destroy.

In quick succession we passed the site of the proposed Nez Perce Dam, the confluence with the Salmon River on the Idaho side, marked by spectacular facing of metamorphic basalt, and, a half-mile above the confluence, the site of the proposed High Mountain Sheep Dam; followed by the Imnaha River, flowing in from the Oregon side down a steep narrow valley with rocky grandeur, and then Dug Bar, the point where Chief Joseph and his Nez Perce followers crossed the Snake on their historic fight for freedom.

A veritable concentration of treasures, indeed. The Salmon River flows from its source in the Sawtooth Mountains and Whiteclouds north across the heart of Idaho, then west through rocky canyons between North Fork and Riggins before turning north again, without a single dam to mar its way. The Salmon is noted for its recreational value, as well as for being a spawning ground of steelhead and salmon, important to fisheries in the Northwest, Canada and Alaska. Little wonder the Sport Fishing Institute proposed recently that the Salmon be designated as the first National Anadromous Fish Spawning Sanctuary, with restrictions on any diversions and downstream development that might adversely affect its natural function. The Imnaha is also a major migratory fish stream. In fact, half the steelhead still caught in the Columbia are produced in the Snake River system. Chief Joseph was of this country, born near the mouth of the Imnaha. He and

his people wintered here. The Nez Perce came down the breaks and smooth benches of the Imnaha in 1877, then retreated over the river before the cavalry, without loss of a single human or animal. Archeologists have reported that native Americans have lived along the Snake for 8,000 years. Rock shelters, caves, carvings, paintings in nearly 200 villages and campsites are available for investigation—one of the last opportunities for such studies in the entire Columbia Basin.

This section and the whole river have a magic fascination for scientists, boatmen, fishermen, hikers, hunters, photographers, botanists, and archeologists, all who love the outdoors. The Middle Snake presents an array of free-flowing pure water, rivershore trails, campsites, and canyon scenery. The word "unique" is often overdone, but there is no doubt that in fisheries alone this river is superb, not only for its anadromous fish, but for the resident species of smallmouth bass, channel catfish, and the immense white sturgeon, the largest fresh-water fish in North America.

The trouble with such values is that you can't measure them in terms of economic profitability, or market them for the glory of the Gross National Product. Accordingly, for many years assorted boomers of Federal, private, and public power have been competing for the privilege of desecrating the scene on the theory that nature must be controlled, harnessed, distorted, but never left to God's own simple ways.

In 1964, a syndicate of four private utilities called Pacific Northwest Power Company (PNP) was awarded a license by the Federal Power Commission to construct the 670-foot High Mountain Sheep Dam. However, it was opposed in a legal dispute by a combine of eighteen public power utilities, the Washington Public Power System (WPPS), which placed its bets on the Nez Perce site for best hydropower development, although blocking access to the Salmon River fishery. The issue ultimately went to the Supreme Court, which in June 1967, handed down one of the most important resource-related decisions in its history. The Court directed the FPC to reconsider its license to PNP on the grounds that it had not adequately considered the feasibility of the Federal role, as provided by the Federal Power Act. Then the Court raised the question of whether any dam should be built on the Middle Snake. In a decision written by Justice William O. Douglas, a veteran Northwesterner, champion of law, human rights, and of the outdoors, the Court declared: "The test is whether the project will be in the public interest and that determination can be made only after an exploration of all issues relevant to the public interest. These include future power demand and supply in the area, alternate sources of power, and the public interest in preserving reaches of wild river in wilderness areas, and the preservation of anadromous fish for commercial and recreational purposes, and the protection of wildlife."

The Court decision gave heart to conservation groups, both local and national—the Idaho Wildlife Federation, Idaho Alpine Club, Federation of Western Outdoor Clubs, Sierra Club and Wilderness Society. The Hells Canyon Preservation Council was organized to fight any dams. It was the second chance come alive, after all had seemed lost.

The other side was not inactive. The old rivals, PNP and WPPS, patched up their differences. Deciding there would be enough to divide between them, they applied for a joint license to build the High Mountain Sheep Dam. Then in May 1968, the Federals jumped in. Secretary of the Interior Stewart L. Udall genereously proposed instead that his outfit build and operate a dam at the Apaloosa site, about eight miles above the mouth of the Salmon, on grounds that it would afford better protection to the fishery resource and make more use of the Snake for recreation. And besides (as he might have mentioned), Interior's dam builders having ben frustrated at the Grand Canyon, were in need of work. Anybody who thinks of Interior as a "Department of Conservation" has another think coming. While a few of its bureaus truly endeavor to safeguard natural resources, other bureaus and many political appointees are devoted to the cause of everlasting construction, development, exploitation of oil, gas, metals, water, and land.

In building dams for power these days, the principal structure is often accompanied by a secondary, or regulating, dam placed downstream in order to recycle water. Thus the Apaloosa dam would require a regulating dam at the Low Mountain Sheep site, just above the mouth of the Imnaha. Another dam under consideration upstream at a site called Pleasant Valley also would need a re-regulating dam. High Mountain Sheep dam would not only block the Imnaha itself, but require another dam an China Gardens, twenty miles below the mouth of the Salmon River, which would possibly have as much adverse affect as Nez Perce itself. And all kinds of complicated devices were offered with the competing designs in order to prove compliance with the Supreme Court order.

Hearings were held by the Federal Power Commission at Portland, Oregon, and Lewiston during 1968, but the dam proponents failed, and rather dismally, I think. They produced the usual assortment of economists, power technicians, and planners to warn gloomily that the Northwest must have every potential kilowatt of hydropower or face peril. Yet Northwest utilities and Bonneville Power have launched a multi-billion dollar nuclear power program for the next twenty years. As the Vice President of Portland General Electric admitted, "If High Mountain Sheep does not become available in any particular assumed year, it does not follow that the lights in the Northwest will be turned out, but merely that in the planning process we will advance an alternate nuclear plant by seven months to a year to fill the gap." The Assistant Administrator of the Bonneville Power Authority conceded further when he said, "Viewed as merely an additional 3 million kilowatts in the regional power growth, Apaloosa is hardly distinguishable from the approximately 25 million kilowatts of hydro and 16 million kilowatts of thermal that will be added by 1987." But the developers must have Apaloosa for other reasons, he insisted; like all dams, it is guaranteed to control floods, boost payroll and taxes, expand recreation, and bring a flood of tourists. The Bureau of Outdoor Recreation obligingly produced a plan full of everything a chamber of commerce would dream of: picnicking, swimming, boating, water skiing, sightseeing, fishing, hunting, horseback riding, hiking, nature study—precisely what people can do at a thousand other places. The GOR failed to mention that water fluctuations of as much as 170 feet would leave Hells Canyon biologically barren and unsightly, with stained canyon walls and mudflats—degrading to recreational concepts, and equally degrading to a quality environment in which the natural river serves as an ecologic lifeline. It neglected to mention the superabundance of reservoir-type recreation already in the Northwest, including nearby Brownlee which is in sharp contrast with the critical shortage of recreation forms which only wilderness and wild rivers can fulfill.

The Supreme Court made such considerations important. It forced recognition of the natural environment, of the values of fish and wildlife. The Interior Department obliged by proposing expensive, complicated multi-level devices for the Apaloosa design in order to reintroduce oxygen and remove nitrogen, which it claimed would actually increase productivity. But a reading of the testimony indicates the Department's biologists did not have their hearts in it. They admitted that any dam would have harmful effects on fish production, that the whole project was an immense game of guesswork, without precedent, and certain to cost many millions of dollars. There might be an outside chance of saving part of the production for commercial fishing, but to maintain the sport fishery in a "pooled-up" river would be virtually impossible. The river would be changed to an impoundment and, quite apart from steelhead and salmon, the native sturgeon, smallmouth, and catfish would be essentially lost—even though nowhere else does a fishery of such excellent quantity and quality exist for all three species in the same water. "The project would inundate and otherwise destroy about 11,900 acres of big-game habitat, 5,430 acres in Oregon and 6,480 acres in Idaho," one Federal official reported. "Any one of the three projects would cause substantial damage to wildlife resources, even if all apparent potential measures to reduce or offset detrimental effects were assured with the projects."

Professional experts of Oregon, Idaho, and Washington fish and game departments were unanimous in their testimony that no dam could possibly benefit the sports resources. After all, with the construction of each new project, additional habitat and spawning areas of Oregon, Idaho, and Washington have been wiped out. Despite the application of all known measures, and the expenditure of $250 million for anadromous fish passages in the Columbia Basin, the fishery resource has gone steadily downhill. Clearly, the perpetuation of salmon and steelhead doesn't rest in mechanics and machinations but in honoring the life-cycle of the fish as they travel thousands of miles from the mountains to the ocean and home again, and in respecting the natural laws. With more than 50 percent of the Snake no longer accessible to anadromous fish, the remaining areas are more important and more critical.

"If all the dam construction projects now under construction, authorized, or seriously considered are completed." John R. Woodworth, Idaho's Director of Fish and Game, declared at the Lewiston hearing last September, "it will not be very long until the entire Columbia River within the United States upstream from Bonneville Dam, the entire Snake River from its mouth upstream to Weiser, Idaho, and major portions of the Clearwater and Grande Ronde River drainages will be impounded. It is our opinion that under the theory of true multiple-use development of water resources, maintenance of a stretch of the mid-Snake River in a free-flowing condition, coupled with its unique fishery and scenic attractions, would be in the best interests of the public and future generations hereafter."

Officials and the dam promoters were not alone at these hearings. The spokesmen for the people came, too, citing the interests and values of natural science, history, outdoor sports, the therapy of nature to man. It's tough to battle big industry and big government, with their resources and paid staffs, but at the Hells Canyon hearings the people were represented by their own technical experts, many with national reputations, who came to testify without pay.

Dr. William L. Blackadar, of Salmon, Idaho, was a star performer. He turned up after riding thirty-five miles in his kayak through huge waves and rapids from Hells Canyon to Pittsburgh Landing. "We do not realize the potential of this area," he testified. "Eight years ago the first fiber-glass slalom kayak was designed. At that time less than 500 people were rafting the Middle Fork of the Salmon River annually. Now over ten times that number run the river and for the first time sizable numbers of kayaks have appeared. This area will soon be alive with these 'banana' boats. Isn't it great that these challenges await us? Wouldn't it be sad to think that

these bigger waves might be hidden under hundreds of feet of water? There are few areas left and these will become priceless."

I said earlier the dam builders had failed in their presentation. They made this plain last November, when the old enemies, PNP, WPP's, and the Interior Department, joined in a three-way bid to finance, build, and operate the Apaloosa Dam—rather ironic considering earlier complaints of the latter concerning the troubles with "intervening non-Federal ownerships" in Northwest power projects. Almost at once the new partners requested a delay in FPC proceedings, preferring to seek Congressional approval and avoiding the whole license question. Fortunately, the only conflict they resolved was the one among themselves, and not the issue of principle before the people.

"Any dam," said Wade Hall, "changes this river from a vibrant stream into a placid pond where water movement appears only vertical as elevation rises and falls. Gone forever are the camp spots where the visitor may enjoy isolation and which allow free choice as to length of journey each day." We had lately passed Dug Bar Ranch, a successful base for stock operations since the early 1880's. If the dam were built, it would be flooded out completely, along with the rest of the ranches.

In late afternoon we pulled in at Copper Creek, our home for the night, where Rivers operates a camp for use on the midweek scheduled run. It was a pleasant setting with several furnished cabins clustered in the meadow. After we were settled, we all fished a while and watched an osprey upstream diving for his dinner. The number and variety of birds along the river is amazing. Eagles and falcons use the high canyons for their necessary isolation in breeding. Herons soar high overhead and gather food along the riverbanks. Canada geese nest in the cliffs. Hungarian partridge, quail, and grouse are common. But if any one game bird stands out as numerous, it's the chukar. Apparently foodstuffs little utilized by other species make this an ideal habitat, for coveys of these rugged birds seemed to pop out everywhere, although the species was introduced only fifteen years ago.

The next morning we continued a little while with Rivers and the party on the boat, then were put ashore on the Oregon side where arrangements had been made for saddle horses. The horses were waiting. So were Jack Hooker, a well-known outfitter of northeast Oregon, and a wrangler. Continuing our journey in this way we'd be able to get another perspective of Hells Canyon and also to travel beyond the end of navigation.

We rode past the Circle C Ranch at Pittsburgh Landing (the Pleasant Valley damsite) on the Idaho side which is an oasis of green alfalfa fields surrounded by dry hillsides. This is one of the main access points, reached by road from Riggins and Whitebird. A jet boat zipped upstream. It was named fittingly *Hell's Angel*, which Everett explained is the craft operated by Floyd Harvey between Lewiston and his fishing camp at Willow Creek, which we would reach soon. The feeling of wild places increased. Looking across into Idaho, for a time we saw little except sheer solid walls, rising almost vertically from the river bank. Then the dramatic topography yielded into stairsteps, great benches, and terraced cliffs. Snow-patched mountains towered against the sky. They were part of the Seven Devils, comprising a famous recreation area. "You can see the trails," said Everett, "that any ordinary citizen can use to hike or ride into the bottom of Hells Canyon within a day."

The river flowed swift and deep, winding through bend after bend of great gorges, with rapids seeming like boiling water. We passed a ranch on Kirkwood Creek, where Senator Len Jordan once lived, and then rested opposite the location at Harvey's tent camp. It was an ideal wilderness setting, sheltered beneath a cliffside. Our interest was in the stream, for here the sturgeon find a running-water habitat of deep holes, swift-flowing rapids and shallow riffles it needs for spawning and survival. We watched closely and spotted two sturgeon near the surface. They looked about 9-feet long. One came floating to the top, then both vanished.

The great white sturgeon once was common in the United States. Fish were caught commercially weighing a thousand pounds and more. Records indicate that fish 10- to 15-feet long were not uncommon before the dams were built on the Snake and Columbia. Now the sturgeon is reduced to its last stronghold in places like the Middle Snake, a fishery that technology cannot match.

Beyond Johnson Bar, the end of navigation, the river become much rougher, apparently too dangerous except for extraordinary boatmen. Our trail seemed to take full advantage of every possible break in topography, one moment at water level, almost within feel of the spray, then climbing hundreds of feet to skirt huge rims. We crossed a dramatic stretch aptly called Eagle's Nest, then another, Devil's Slide, where the trail was carved out of solid rock.

We rode through semi-desert and foothills covered with cactus, hackberry, grasses, juniper, and pinyon pine. A rattlesnake crossed our trail. I became more conscious of wildlife. A whitetail deer bounded through the timber, then a larger mule deer skirted over a dry open hillside. A coyote "topped out" over the crest. Because it is remote, Hells Canyon is blessed with a variety and abundance of wildlife. That night, while camping at a site where a person could enjoy the same atmosphere as the first white man to see the place, we talked about this point.

"I believe that hunter success is about as high here as anywhere in Oregon," the outfitter, Jack Hooker, said. "Sixty-six percent on deer, 25 percent on elk. I've had people hunt deer and upland birds and fish all on the same trip."

While we talked, an eagle rode the evening breeze, broad-winged, silent, patient.

It takes patience to shape the land, to balance the life forms, and to absorb the true meaning of life, and perhaps the appreciation of patience is God's gift to man at Hells Canyon. Such were my thoughts when we adjourned and I crawled under convas flaps that night.

We rode out next morning into big country. The elevation changed rapidly—5,000 feet in five hours—as we rode through ponderosa pine and Douglas fir cloaking steep, narrow-sided valleys, high plateaus of spruce and fir, and finally topped out in a breezy world of alpine sedge and grass, before meeting our ride to the town of Imnaha and another world.

As for the future of Hells Canyon, the Department of Agriculture recently gave support to the Forest Service position against any dam on the Middle Snake. This is heartening. Both Idaho Senators, Frank Church and Len Jordan, have proposed the so-called Moratorium Bill, providing for a 10-year study period. Their reasons differ, Church hoping to save the anadromous fish runs and the recreational resource, Jordan apparently wanting time to decide whether Idaho should claim the water for downstate irrigation.

There is still another way. Conservationists now are pressing for establishment of a Hells Canyon-Snake National River. This would embrace 721,000 acres, including a quarter-mile shoreline along the Snake and Salmon, a Seven Devils Unit of 256,000 acres in Idaho, and an Imnaha Unit of 335,000 acres in Oregon. Existing activities, such as ranching and grazing, would be protected as part of the historic pioneer tableau, but no contrary developments would be allowed to compromise the scenic values of the rivers. Virtually all the land involved lies within National Forest boundaries and the Forest Service has for years recognized that the Snake merits special management consideration. In 1963, it designated the 130,000-acre Hells Canyon-Seven Devils Scenic Area, and judiciously administered it primarily for recreation, scenery, and scientific values. Under the National River plan, an enlarged system of trails, campsites, and boat ramps would make the area more usable, and would disperse use in order to eliminate concentrations and conserve the atmosphere. Some of the steep slopes, canyon breaks, and rugged terrain appear suitable to reintroduction of mountain sheep, which once ranged here and were observed as recently as fifteen years ago.

The price of all these would be minimal. Indeed, it costs virtually nothing but disciplined restraint to protect the vital, rich records of geology, archaeology, and ecology, as compared with half a billion dollars or more for a scrubby dam and rancid reservoir that would submerge irreplaceable treasures under 500-feet of water. The boomers of power and concrete speak in almost lustful terms of Hells Canyon as "the last major hydroelectric site in the United States," as though it's indecent and sinful to leave alone the works that God hath wrought. But Americans with ethics, morality and good sense may build the monument of this age by preserving the wonders of nature—so that all this will not be lost to the sight of man!

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3329) to establish the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington, and for other purposes, introduced by Mr. PACKWOOD, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3331—INTRODUCTION OF A BILL PROVIDING FOR POLICE AND FIREMEN MEDALS OF HONOR

Mr. STEVENS. Mr. President, I introduce for appropriate reference legislation which would create a Police Medal of Honor and a Fireman Medal of Honor. The legislation also authorizes the President of the United States to award this medal annually to one policeman and one fireman designated by the Governor of each of the 50 States.

One short year ago, certain elements of our society found it convenient, and even popular, to attempt to make a policeman or a fireman the scapegoat of the various ills affecting our great Nation. The cries of gestapo and pig reverberated through our streets and campuses and came directly into our homes via television and radio. This development was a national disgrace.

As a former U.S. attorney, a former State legislator, and as a U.S. Senator, I am pleased to see this un-American phenomenon fade from our national scene. The determination of President Nixon to restore the faith and respect of this Nation in our peace officers, the sense of urgency felt in Congress to stop the unprecedented and unparalleled wave of lawlessness in our Nation, and the recognition by the law-enforcement leaders of our communities of the need to be responsible to, as well as responsible for, the public has served to strengthen the forces of law, order, and justice. It is only fit and proper that the devoted men

and women who risk their very lives to protect us from those in our society who endanger our lives and destroy our property in violation of our laws be afforded a formalized and continued manner of national recognition.

It is with this goal in mind that I have introduced the legislation creating police and firemen medals of honor. I ask unanimous consent that the full text of this legislation be reprinted immediately following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3331) to provide for the awarding of a Police Medal of Honor and a Medal of Honor for Firemen, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) a medal to be known as the Police Medal of Honor and a medal to be known as the Medal of Honor for Firemen are hereby created. The President is authorized to award such medals each year to one policeman and one fireman from each State. Each recipient of a medal shall be selected by the Governor of the State in which the recipient serves.

(b) The medals shall bear the inscription "Honesty, Integrity, and Courage" and such devices and emblems, and be of such material, as may be determined by the Secretary of the Treasury, who shall cause such medals to be struck and furnished to the President.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SENATE RESOLUTION 321—SUBMISSION OF A RESOLUTION TO REFER S. 3332 TO THE CHIEF COMMISSIONER OF THE UNITED STATES COURT OF CLAIMS

Mr. STEVENS submitted the following resolution (S. Res. 321); which was referred to the Committee on the Judiciary:

S. RES. 321

Resolved, That the bill (S. 3332) entitled "A bill for the relief of Wilson Jerue", now pending in the Senate, together with all the accompanying papers, is referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimants.

SENATE RESOLUTION 322—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. BIBLE. Mr. President, I submit for myself, and the Senator from New York (Mr. JAVITS) a resolution authorizing additional expenditures by the Select Committee on Small Business and ask unanimous consent that it be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was referred to the Committee on Rules and Administration, by unanimous consent, as follows:

S. RES. 322

Resolved, That the Select Committee on Small Business, in carrying out the duties imposed upon it by S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $175,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ANNOUNCEMENT OF HEARINGS ON VIETNAM POLICY PROPOSALS

Mr. FULBRIGHT. Mr. President, I wish to announce that the Committee on Foreign Relations will hold hearings on February 3 and 4 to hear testimony from sponsors and other interested Senators, on the Vietnam policy proposals pending before the committee. These are: S. 3000, Senate Joint Resolution 166, Senate Concurrent Resolutions 39, 40, and 42, Senate Resolutions 268, 270, 271, and 280.

The hearings will begin at 10 a.m. on February 3 and at 10 a.m. on February 4 in room 4221, New Senate Office Building.

Any Senator who wishes to testify and is not already scheduled, or who wishes to file a statement for the hearing record, should contact Carl Marcy or Norvill Jones of the committee staff.

LEGISLATION DEALING WITH ENVIRONMENT

Mr. EAGLETON. Mr. President, this morning the distinguished Senator from Maine (Mr. MUSKIE) issued a significant statement setting forth a comprehensive program of legislation dealing with the totality of our environment.

Senator MUSKIE has long been the leading Senate spokesman on matters relating to our Nation's environment. He has been not only a spokesman, but an activist, as well. Almost every major piece of Federal environmental legislation since 1963 has been sponsored by Senator MUSKIE.

Mr. President, just as he has led the way in the past, he continues to lead in the future as exemplified by the exciting and challenging program he enunciated at a press conference this morning.

I hope that not only the Members of the Senate will examine this program, but also the executive branch, as well. It is a program which couples rhetoric with meaningful action.

I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR EDMUND S. MUSKIE, CHAIRMAN OF THE SENATE SUBCOMMITTEE ON AIR AND WATER POLLUTION, JANUARY 23, 1970

As Chairman of the Subcommittee on Air and Water Pollution, I am encouraged by the sense of urgency which the President has expressed regarding the quality of our environment. A sense of urgency will help, but we must also act.

Through legislation initiated by this Subcommittee since 1963, we have made significant progress, but we must do much more.

I look forward to reviewing the President's Environmental Message and his Budget to learn the extent of his commitment. Expressions of concern and urgency will not restore the quality of the environment; action and money will. I hope the President will join us in this effort.

I am proposing today a program of legislation and financial commitments for 1970. It would establish a stronger role for government, because we have learned that we cannot afford to depend on private initiative. It would require spending nearly $2 billion in Fiscal 1971 and $3.5 billion in Fiscal 1972 because we cannot afford to spend less. The environment will not wait for our priorities to reorder themselves.

I. WATER QUALITY

The Water Quality program has lagged far behind the goals set by Congress.

Although the Water Quality Act was passed in 1965 and standards were submitted by the July, 1967 deadline, only fourteen States had approved water quality standards for all interstate waters as of three months ago.

Enforcement, through private conferences with the polluters, and on a hit-or-miss basis, has been contrary to the Congress' intent of public involvement, uniform procedures related to standards developments, and court action where necessary.

Millions have been spent on research and planning, but little improvement has been made in the quality of our waters.

$3.4 billion was promised in assistance for the construction of municipal facilities over a 4-year period. $1.2 billion has been appropriated, and it is rumored that $600 million of that amount will not be distributed.

We must require stricter standards, faster timetables, tougher enforcement, and greater public participation. And we must spend much more money. Therefore, I will recommend amendments to the Federal Water Pollution Control Act to provide for:

1. Authorization of $2.5 billion per year in Federal construction grants for the next five years, the Federal share for $25 billion worth of facilities;

2. incentives to encourage river basin development and financing of treatment systems for all sources of waste within the basin;

3. the extension of the water quality standards program to all navigable waters;

4. a minimum requirement that all new industrial facilities which use the navigable waters of the United States incorporate the

best available pollution control technology as a condition of such use;

5. a requirement that enforceable effluent standards and compliance schedules be specifically included in any water quality standards implementation plans;

6. tightened-up Federal enforcement procedures on a uniform, effective basis;

7. greater public participation in standards development and extension of public participation to enforcement by permitting class suits against alleged violators of standards; and

8. a requirement that Federal water quality criteria for all pollutants be published and revised as appropriate as a sound basis for effective standards development.

II. AIR QUALITY

We must double the pace of the standards-setting process, attack every source of pollution, and eliminate unnecessary delays in enforcement.

A. The Federal presence must extend wherever the public health and welfare is at stake. Therefore, I will recommend amendments to the Air Quality Act to:

1. require the immediate designation of all anticipated air quality control regions;

2. extend Federal enforcement authority to intrastate violations of air quality standards;

3. permit class suits to enforce standards;

4. spell out court authority to issue cease and desist or specific performance orders and to assess penalties for violations of the emission standards or compliance schedules;

5. insure that emission standards and compliance schedules are specifically included in any air quality standards submitted to the Secretary for approval;

6. encourage each state to establish a statewide air pollution control program so that no source of pollution escapes emission controls and compliance schedules, with authority for Federal action in the absence of an approved state program;

7. require that all new industries subject to the provisions of this Act be required to install the best available pollution control technology at the time of construction;

8. provide for a substantial increase in the manpower available to the National Air Pollution Control Administration for the development and implementation of air quality standards and enforcement.

B. We must broaden and tighten our control of all moving sources. Therefore, I have introduced the Air Quality Improvement Act of 1969 (S. 3229) to provide for:

1. accelerated research efforts to develop emission-free motor vehicles;

2. new procedures for the certification of vehicles for compliance with low emission vehicle standards;

3. national emission standards for all other moving sources of air pollution, including craft;

4. compliance with national emission standards for a period beyond the initial sale of a motor vehicle, vessel or aircraft.

III. RESOURCE RECOVERY—MANAGING OUR SOLID WASTES

A. We cannot afford to put aside the critical problems of solid waste disposal until we think we can "afford" to deal with them. Our present practices of burning, burying, and dumping solid wastes are incompatible with environmental quality protection and enhancement. We can no longer tolerate the unnecessary waste of vital natural resources which are used but not consumed.

We must have a national policy which stresses both environmental quality and the conservation of scarce resources. Therefore, I have introduced the Resource Recovery Act (S. 2005). It provides for:

1. a six-fold increase in our financial commitment to the solution of this problem at a level of $800 million over a five-year period;

2. the development of new methods to reduce, re-use and recycle wastes;

3. the testing and demonstration of these new methods;

4. grants for the construction of local and regional resource recovery and solid waste disposal facilities; and

5. the recommendation of standards for solid waste disposal and collection systems.

B. A national materials inventory must accompany this change in the direction of our efforts. I support the amendment to the Resource Recovery Act providing for this inventory offered by Senator J. Caleb Boggs, ranking minority member of the Subcommittee on Air and Water Pollution.

IV. NOISE POLLUTION

More than any other pollutant, noise impairs man's mental well-being as much as his physical health. For many living in our cities there is always a jackhammer clattering, a plane taking off, or a truck passing to disturb sleep, conversation or work. Continued exposure to high noise levels can cause hearing loss, but the current levels of noise may also contribute to other physical disorders, as well as frustration, fatigue and irritability.

Therefore, the Air Quality Improvement Act of 1969 (S. 3229) provides for:

1. an Office of Noise Pollution Abatement and Control in the Department of Health, Education, and Welfare; and,

2. a study by this office of the health and welfare effects of noise pollution and recommendations for needed legislation.

V. EXECUTIVE REORGANIZATION (ENVIRONMENTAL CONTROL ADMINISTRATION)

The Executive Branch must be reorganized to respond effectively to environmental crises.

The agency which sets and enforces environmental quality standards must have only one goal: the protection of this and future generations against changes in the natural environment which adversely affect the quality of life. Our problems have not been solved and will not be solved by assigning the control of pollution to those responsible for the support or promotion of pollution-causing activities.

A new or refurbished Cabinet department would be a superficial response. It would perpetuate the conflict between the development and the protection of our resources which has plagued us in the past.

I have proposed the creation of an independent, watchdog agency to manage the Nation's environmental protection programs, and I will introduce the appropriate legislation at an early date.

The Environmental Control Administration would include:

1. the National Air Pollution Control Administration, the Bureau of Radiological Health, the Bureau of Solid Waste Management, and the Bureau of Water Hygiene from the Department of Health, Education and Welfare;

2. all functions performed by the Environmental Science Services Administration, from the Department of Commerce;

3. the Federal Water Pollution Control Administration and the Water Resources Division of the Geological Survey from the Department of the Interior;

4. the Pesticide Control Board and the water and sewer facilities assistance program of the Farmers Home Administration from the Department of Agriculture;

5. the water and sewer grant program authorized by section 701 of the Housing Act of 1954 from the Department of Housing and Urban Development; and

6. the Office of Noise Abatement from the Department of Transportation.

VI. MARINE RESOURCES PROTECTION

We must apply our conservation ethic to the sea as well as to the land. A haphazard policy of laissez-faire ocean resource development will only lead to the forfeit of the sea as we have forfeited so much of our land. We must not repeat our mistakes.

I have introduced the Marine Resources Preservation Act (S. 2393) as a first step in planning the future of the Outer Continental Shelf, our territorial sea, our beaches, and our marshlands. This bill:

1. authorizes the Secretary of the Interior to recommend the creation of marine preserves;

2. provides for agreements between the Secretary of the Interior and State and local governments to regulate the use of these marine preserves; and

3. prohibits the development or removal of any minerals, including gas or oil from these marine preserves.

VII. THE CONTINUING CRISIS AT SANTA BARBARA

For over a year the Union Oil Company has shown an inability to cope with the Santa Barbara oil leak. The disaster continues. There is no reason to perpetuate the notion that the investment of the oil companies should take precedence over the protection of the rights of the citizens of Santa Barbara.

Therefore, I will propose legislation to:

1. —authorize the compensated acquisition by the Federal Government, less costs and damages, of all oil leases in the Santa Barbara Channel;

2. authorize the Federal Government to perform such tasks as may be necessary to abate oil leakage in the Santa Barbara Channel;

3. provide the removal of drilling platforms as soon as the government is satisfied that the threat of leakage has ended; and

4. provide that the Channel's remaining oil reserve be set aside as a national reserve to be tapped only in time of national emergency or by an Act of Congress.

VIII. TECHNOLOGY ASSESSMENT AND ENVIRONMENTAL RESEARCH

We have emphasized the need to control pollution. We have emphasized the need to reduce our production of wastes. But we have not sufficiently examined our technology as a basic threat to the environment.

We must begin to question the implications of new technology. Pollution must be stopped before it starts. We cannot afford to transform our technological whims into environmental risks in return for convenience or national prestige. Indiscriminate use and disposal of styrofoam, aluminum cans, and throw-away bottles, are as incompatible with environmental quality as the SST.

We must establish a systematic method of assuring that the environmental effects of new technologies will be understood. We must deal with them before they desecrate the environment in which we and our children must live. Therefore I will:

Continue hearings in the Subcommittee on Air and Water Pollution on the environmental effects of such new technologies as the supersonic transport, persistent packaging, the underground uses of nuclear energy, and supertankers in the Northwest Passage; and

Seek early action on S.J. Res. 89, a resolution I have introduced providing increased support for ecological research in the international Biological Program.

IX. ELECTRIC POWER AND ENVIRONMENTAL QUALITY

Haphazard use of our natural resources for electric power generation is unacceptable. An inadequate and unreliable supply of electric energy is intolerable. Blackouts and dirty air—both the products of inadequate planning—have made public outrage the hallmark of our national electric power policy. This road leads to a dead-end for all of us.

We have placed extraordinary demands on both our available supply of environmental resources on the one hand and on the available supply of electric energy on the other.

The relationship between these demands illustrates our need for effective national policies on industrial site selection and land use planning.

We cannot continue to treat the destruction of our environment as a cost of the utility business which the public must bear. We cannot continue to foul our air and heat our streams in the name of electric power. And we must not continue to exclude the public from site selection decisions.

I have introduced the Intergovernmental Power Coordination and Environmental Protection Act (S. 2752) and will hold hearings on this bill beginning February 3. This bill:

1. provides for effective public participation early in the site-selection process; and

2. requires each proposed facility to meet environmental standards and adequacy and reliability standards in order to be licensed for construction or operation.

LET US IMPROVE LIVESTOCK ESTIMATES

Mr. HANSEN. Mr. President, an outstanding spokesman for the farmers and ranchers of the Midwest is the distinguished Senator from Nebraska (Mr. HRUSKA). Senator HRUSKA has served more than 15 years in the Senate and has discharged his public trust with diligence, competence, and understanding. He is now the ranking Republican member of the Subcommittee on Agriculture Appropriations. In this capacity, Senator HRUSKA has been an able watchdog over Federal spending to meet the problems and needs of rural America.

The January 1970 edition of the Nebraska Farmer magazine contains an article entitled "Better Livestock Estimates Needed," which was written by Senator HRUSKA. The article shows Senator HRUSKA's depth of knowledge and breadth of vision in dealing with the more complex needs of our agricultural community.

In the article, Senator HRUSKA discusses the lack of reliable information about the size and composition of the national livestock herd and how this lack could affect detrimentally the marketing and producing of future livestock. Instead of merely stating the problem, Senator HRUSKA also suggests a very sound solution. It is a new estimating system known as multiframe sampling. This system is being developed at the Department of Agriculture, and after hearing of its advantages, Senator HRUSKA led a fight in the Committee on Appropriations to add funds for its development. As a result, $250,000 was approved by Congress to begin using the multiframe sampling system for livestock reporting. This is a solid beginning. As Senator HRUSKA said in the article:

> Losses to the cattle industry from poor estimates can total far more than the $1.4 million it will cost to put into full effect the new methods to reduce the margin of error to acceptable limits. In fact, such losses can easily exceed the entire appropriation of the USDA's Statistical Reporting Service—about $14.8 million in the 1969 Fiscal Year.

Mr. President, I ask unanimous consent that Senator HRUSKA's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Nebraska Farmer, Jan. 3, 1970]

BETTER LIVESTOCK ESTIMATES NEEDED

(By Senator ROMAN L. HRUSKA)

A major problem in the planning of livestock operations is the lack of reliable information about the size and composition of the national herd. The problem may be eased significantly with the introduction of a new estimating system known as "Multi-Frame Sampling," recently developed by the U.S. Department of Agriculture.

A system of estimating has been in effect for several years and has been helpful as a general indication of the national situation. However, livestock production is becoming much more specialized and profit margins are narrower than they have ever been. Estimating errors which were acceptable a few years ago are now intolerable, spelling the difference between profit and disastrous loss.

Cattlemen will remember 1966, when it was found that there were 2.3 million more head of cattle on farms at the beginning of that year than had been forecast. The error for beef cattle was even worse with a whopping 3½-million head understimate.

Cattle markets are so sensitive to changes in head count that even small errors can take millions of dollars out of producers' pockets. Economists estimate that a 1% increase in supply tends to reduce prices paid to farmers by 2%. An overestimate of only 3% could chop as much as $5,000 of the value of 250 head of 1,100 pound choice steers.

Clearly, better methods of forecasting production are needed, and agricultural statisticians have been searching for an improved system for several years. They now believe that "multi-frame sampling" may result in a significantly more accurate set of estimates.

The problem in livestock reporting starts with the inadequacy of the basic information, which is obtained mainly from replies to questionnaires mailed to livestock producers.

The multi-frame sampling method recognizes the impossibility of getting 100% replies to questionnaires, and relies instead on a technique known as probability sampling. This technique is used in opinion surveys, in quality control programs and by insurance companies to figure risks and rates. The method as applied to the cattle industry assumes that there are common characteristics to be found in the production programs of cattlemen, and that if those characteristics can be identified and measured for a few, the results will be generally applicable to the entire industry.

TWO APPROACHES USED

There are several ways in which a representative sample can be drawn, and the multi-frame method uses two different but complementary approaches.

The first is a refinement of the present system. Statisticians would build a list of every farm in the country, and then draw a random sample of producers who would receive questionnaires by mail. Any farmer who failed to return his questionnaire would be contacted by phone, or visited in person to assure complete coverage. A sample of producers taken in this manner would have a much higher chance of being representative of all producers than the present system.

The main drawback to this method is that a list is never complete. Farms are being bought, sold or consolidated every day. Such changes can result in errors.

To compensate for any shortcomings in the list, an area sample could be used. Under this method, the statisticians would select at random geographic areas throughout the country. Trained interviewers would visit the sample areas, interview the operators, and account for every head of livestock.

This dual approach utilizes the advantages of the two methods. The list method is economical, but may not provide enough accuracy because of deficiencies such as incomplete coverage. The area sample is more accurate but would be too costly to use exclusively.

USDA statisticians estimate that by using this method the sampling error for the Jan. 1 beef cattle inventory could be reduced to 1% or less. A sampling error of 1% means that chances are about two out of three that the sample estimate is within 1% of the result that would be expected if all the beef cattle in the country were counted.

Livestock men could use estimates of this degree of accuracy with confidence in making decisions to produce, buy, or sell. USDA's Statistical Reporting Service estimates that new methods to give a sampling error of 1% or less could be put into effect in 16 states for about $1.4 million a year.

The 1970 Agriculture Appropriations bill as reported by the Conference Committee and approved by both houses of Congress, included $250,000 to begin this new multiframe sampling system, enough to get it started. I strongly supported this appropriation bill.

The cost of improved statistics is small in comparison to the nation's huge cattle industry. Total value of our 109.7 million cattle at the beginning of this year was $17.4 billion. Sales of cattle and calves in 1968 amounted to $11.3 billion, a fourth of all cash receipts to farmers. This is 88% more than receipts from dairying, 70% more than from grains, more than double receipts from fruits and vegetables and three times those from poultry and eggs.

The stake of cattle producers here in the Midwest is especially great. Farmers in the North Central region and the Plains States of Texas and Oklahoma have nearly 60% of all U.S. cattle, and sales in 1968 yielded $7.1 billion. In Nebraska alone, cattle sales returned farmers $939 million and provided over half of all cash receipts from farming.

Losses to the cattle industry from poor estimates can total far more than the $1.4 million it will cost to put into full effect the new methods to reduce the margin of error to acceptable limits. In fact, such losses can easily exceed the entire appropriation of the USDA's Statistical Reporting Service—about $14.8 million in the 1969 Fiscal Year.

An industry so vital to the national economy deserves the most accurate information possible. It is simply good economic sense to work for the best livestock estimates that modern statistical science can supply.

ORLEANS AUDUBON SOCIETY ENDORSES 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, on December 9, 1969, the Orleans Audubon Society of New Orleans, La., adopted a resolution supporting my bill S. 4, to create a 100,000-acre national park in the Big Thicket area of southeast Texas.

By adopting the resolution, this respected organization joined the ever-growing number of civic and conservation groups throughout the country which have recognized the urgent need for preserving a portion of this beautiful and unique wilderness for future generations.

With every day that passes, another 50 acres of the Big Thicket is lost forever as a result of the destructive activities of large lumber and real estate companies. At present, only 300,000 acres remain of this natural wonderland which is the home of many varieties of rare plants and animals. Unless action is

taken soon to protect the Big Thicket, it will be destroyed and America will be deprived of one of its last wilderness areas.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ON THE BIG THICKET NATIONAL AREA

The Orleans Audubon Society does hereby adopt the Policy Statement on The Big Thicket National Area, a copy of which is attached hereto and made a part hereof for all purposes, and urges the President of the United States, the Congress, the Department of the Interior, the U.S. Corps of Engineers (as to Dam B), and the appropriate state agencies (as to supplemental state and historic parks) to take appropriate action to implement this policy as soon as possible.

ORLEANS AUDUBON SOCIETY,
By FRANK P. FISCHER, Jr.,
President.

NEW ORLEANS, LA.

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include not only the minimum of 35,500 acres proposed in the Preliminary Report by the National Park Service study team, but also the following modifications and additions:

1. Extend the Pine Island Bayou Section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet, wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Wherever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, surrounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such encumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Menard Creek would be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest areas in the formation of the Big Thicket National Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B, (b) a state historical area encompassing communities of typical pioneer dwellings, farms, etc., such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national reserve.

THE NATION'S CHILDREN WILL LOSE IF THE VETO IS SUSTAINED

Mr. HATFIELD. Mr. President, American education cannot afford the loss of $1.1 in appropriations for its schools.

Oregon will lose $8 million in Federal funds if the House sustains the veto of the HEW appropriations bill.

Oregon is on the brink of revamping its educational system to provide a better education for the vast majority of our students who do not obtain the college degree, and we cannot afford to lose this money.

Even if the House and Senate override the President's veto, Oregon will receive $2 million less than it actually received in 1969. In 1969 Oregon received $30.5 million. And the President's budget allocated us only $20.8 million. Congress raised this and appropriated a total of $28.9 million for the Oregon's educational needs for 1970.

The press has not been alert to the fact that the Congress, not the administration, which has been cutting the budget to fight inflation.

In 1969 we cut a total of $7.6 billion from the 10 appropriation bills for the Government agencies. This cut included $6 billion from the Department of Defense and the military construction bill—cuts which would not have been made by the Budget Bureau if Congress had not insisted.

Then Congress added a total of $2 billion to four appropriation bills—and $1.1 billion was for education. Subtract this $2 billion from the $7.6 billion, and Congress still cut the budget by $5.6 billion.

Congress cut $1.1 billion from the President's foreign aid bill; $6 billion from the military budget, and the rest from the other departments. I think we did a good job of fighting inflation, and we can afford to spend this extra $1.1 billion for education.

In fact, spending for education is anti-inflationary. We have a shortage of skilled workers in this country, and this fact is driving up the costs of goods and services. Spending this money on education will provide additional skilled people for the work force and will be a positive, anti-inflation device.

For Oregon, Congress voted $12 million for elementary and secondary education instead of the $10 million the President requested. We voted $2.3 million more for impact aid than the President requested. We voted $2 million more for Oregon's vocational education, and this money is vitally needed all over Oregon to upgrade our high schools and to meet Dr. Dale Parnell's plans to provide work-oriented vocational skills for the students in addition to college prep programs. We voted $1 million more for colleges and universities and student aid and $300,000 more for libraries.

If the President's veto is overridden, he can still impound certain of the moneys appropriated by Congress, but the majority of it he cannot.

I am worried that the President's strategy move to promise House Republicans he will allow $200 million in impact aid to be released if they sustain his veto may win the necessary House votes.

CLEVELAND PLAIN DEALER SUPPORTS UNIFORM ACCOUNTING STANDARDS

Mr. PROXMIRE. Mr. President, on Tuesday, January 20, 1970, the Cleveland Plain Dealer published an editorial entitled "Uniform Accounting Needed." The editorial puts the case for uniform accounting standards in defense contracting as clearly, simply, and cogently as I have seen it done.

The need is great. Admiral Rickover testified before the Subcommittee on Economy in Government, in hearings I held a year ago, that the establishment of uniform standards could save as much as $2 billion a year.

The General Accounting Office has just issued a report urging uniform accounting standards in defense contracting.

With 89 percent of all defense contracts let by negotiation, rather than by competitive bidding, the need for uniform standards is obvious. How is it possible, for example, for the Defense Department even to compare bids and costs if there is no system of uniform accounting? To ask that question is to answer it.

I commend the editorial to the Senate and to the country, especially to the Defense Department, whose intransigence on this matter is equaled only by the waste and overruns which the absence of uniform standards helps to generate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer, Jan. 20, 1970]

UNIFORM ACCOUNTING NEEDED

Congress should give speedy attention to the advice that it establish uniform accounting standards for defense contracts.

The advice comes from the General Accounting Office, which is Congress' own watchdog over federal spending. It is the result of an 18-month study by GAO and follows the advice of Adm. Hyman G. Rickover who in the past has contended that a uniform accounting system could save the government $2 billion a year.

Soaring costs of military procurement are a shock to the American taxpayer. It was only three weeks ago that GAO noted at a congressional hearing that poor business practices figured importantly in $20.9 billion worth of "overruns" in an original $42 billion of Pentagon contracts for weapons systems. Other hearings have brought but additional evidence of excess cost caused by sloppy business practices.

The new GAO finds that government procurement officials have been at a disadvan-

tage in negotiating the price of defense contracts because of inconsistent, variable and ill-defined standards. As a result, GAO says, some contractor costs have been improperly charged to the government and there have been instances where other costs have been charged to the government twice.

Negotiation, whereby government procurement officials sit down with contractors and determine the price of a contract, was used in 89% of the Pentagon's buying—for contracts in excess of $36 billion—in the last fiscal year, the New York Times reports.

Where price is determined in such large measure by negotiation that places emphasis on contractors' costs, there should be well defined and uniform guidelines to follow in establishing true costs.

Sen. William Proxmire, D-Wis., a leader in the effort to bring costs under control, says that, with uniform standards established, "government procurement officials will be able to guard against hidden defense profits and reduce the burden on the federal taxpayer."

To allow defense business to continue as usual, without providing a means by which significant savings might be achieved, is wrong. Congress should give speedy attention to filling GAO's prescription for uniform accounting standards.

DELAYED LEGISLATION

Mr. ALLOTT. Mr. President, the morning newspapers and television today report that our friends on the other side of the aisle are claiming they wrote the President's state of the Union message. At least, they are claiming that he usurped all their programs and wrapped them up in his message.

It seems to me that once again they are making the same mistake Democrats have been making for the past decade. They are confusing their old press releases with real programs.

From 1961 to the end of 1968, we have had enough press releases. They told us how Democrats were solving poverty, how they were solving water pollution, and how they were cleaning up crime. They even labeled a piece of legislation that got passed a couple of years ago the "Safe Streets Act." The only trouble is that high-sounding phrases by themselves do not end crime.

When it comes to sound, the Democrats are the leaders of the band. When it comes to solid legislation aimed at a specific problem, the Democratic Congress has been less than anxious.

What is happening in the Senate today is a good example. Actually, today is a sort of anniversary. It was exactly 9 months ago today—a gestation period more familiar in a very different environment—that President Nixon asked Congress for specific legislation to curb organized crime. The Senate has now acted on that request. It has taken 9 months. And there is no assurance the House will do anything about it.

It is my hope, that this year my good friends on the Democratic side will take a little less credit for what the President is saying, and do a lot more about helping the administration to solve problems that cry for solution.

LIFE—THE MOST FUNDAMENTAL HUMAN RIGHT

Mr. PROXMIRE. Mr. President, perhaps the most basic and fundamental human right of all is the right to life. The Federal Government of Nigeria has said it has not engaged in and will not embark upon an official policy of genocide against the people of the defeated eastern region. That may be true. But it is also true that death from hunger, disease, and exposure whether resulting from administrative tie-ups, lack of physical capability to furnish needed supplies and services, or any other reasons—is still death.

I have urged and continue to urge the American Government to expedite the shipment of relief supplies to Nigeria. These supplies must reach the needy in time to prevent mass death. I am pleased by President Nixon's announcement that at the request of the Nigerian Government the United States is immediately airlifting relief supplies to Nigeria. These supplies include 40,000 tons of high protein food a month—mainly CSM and stockfish, three hospital units, 50 trucks and jeeps, and 10,000 blankets, among other equipment. Of equal importance is the fact we are also giving Nigeria four C–97 Stratofreighter aircraft and lending them two DC–6 planes to facilitate relief supply distribution in the eastern region.

I recognize that the primary responsibility for handling and distributing relief aid lies properly with the sovereign Government of Nigeria. But the most critical factor in averting mass death in the eastern region is the rapid distribution of supplies, and we can continue to impress upon General Gowon's government the desirability of taking advantage of relief aid from every source both governmental and private.

Recently I said I hoped that the Federal Government of Nigeria would ratify the human rights convention outlawing genocide. Nigeria can choose no better moment than the present to adhere to this convention, thus providing additional evidence that it eschews all forms of genocide.

To date, 74 nations have ratified the convention. The United States of America is, unfortunately, still among those countries who like Nigeria have not yet approved this document. It would be unjust of us to ask Nigeria to adopt the genocide convention without at the same time urging this body to give its advice and consent for American ratification. I shall continue to do that today as I have done in the past.

TENTH ANNIVERSARY OF PROJECT HOPE

Mr. TOWER. Mr. President, the year 1970 marks the 10th anniversary of Project HOPE. Project HOPE had its beginning in 1958 when President Eisenhower asked Dr. William B. Walsh, a Washington, D.C., heart specialist, to consider the initiation of a nongovernment health program to benefit the people of developing nations. Dr. Walsh's subsequent plan called for refitting a mothballed Navy hospital ship for use as a floating medical center. President Eisenhower arranged for the loan of the U.S.S. *Consolation*, a veteran of World War II and Korea, and by 1960 the world's first peacetime hospital ship was ready to sail.

Since that time, Project HOPE has been conducting teaching and training programs in medicine, dentistry, and auxiliary medicine. Through teaching, HOPE has brought the skills of the American medical profession to the people of other nations. More than 5,100 persons in eight nations on four continents have received training in the most advanced medical technique adapted to local conditions.

The success of Project HOPE's overseas program is well known. With the intention of building on this success, Project HOPE organized in the spring of 1969 a medical education and health career training program to provide these same services for the disadvantaged persons of the United States. HOPE's domestic program is an effort to assist the Nation's disadvantaged by increasing their knowledge in health care practices and training them for careers in health and medicine.

After considerable study, Project HOPE decided to make its first domestic effort in the Mexican-American community of the Southwest and chose Laredo, Tex., as the city which would benefit most from such a program. The purpose of the program is to develop and implement teaching programs for nurses, practical nurses, public health nurses, dental assistants, nutritionists, laboratory assistants, and many others.

The Laredo program was the subject of an article in the December 7, 1969, issue of Parade Magazine. This is an interesting and worthwhile article. We are today confronted with a serious problem in the delivery of adequate health care services to all the people of this Nation. A project such as HOPE is a step in the right direction toward the solution of these problems. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOPE IS THE BEST MEDICINE

(By George Michaelson)

LAREDO, TEX.—"Ever since I was in third grade I had the idea in my head to be a nurse. But, in seventh grade I had to drop out of school to help my father support my eight younger brothers and sisters. You see, my father is deaf and couldn't get work except in the fields. So, in the summer we went north to thin tomatoes in Utah, to hoe beets in Minnesota, and to pick cucumbers in Wisconsin. Then we came back to Texas to top carrots and onions. I did this until I was 19 and got married. I never lost the idea of being a nurse, but I figured I didn't have no chance anymore."

Oralia Camarillo, a short, dark-haired, dark-eyed woman, now has a chance, or more exactly, HOPE. Together with 23 other Mexican-Americans, most of whom are high-school dropouts, he is currently enrolled here as a "health assistant" trainee in what may well be America's most innovative medical training program—Project HOPE.

AROUND THE WORLD

Project HOPE is no newcomer to this training business. For the past nine years, its 15,000-ton World War II hospital ship, also called HOPE, has been sailing to some of the world's poverty regions with a cargo of about 150 American doctors, dentists and nurses. Some of these medics fan out into the

city and countryside to train local people, while the rest administer to the sick from aboard the ship's model hospital.

As a privately financed project (annual budget is $6.7 million, with 70 percent coming from individuals and 30 percent from corporations), HOPE goes only where it is invited and usually stays no more than nine or ten months. To date, it has visited 11 countries on four continents, trained some 5,100 persons in medicine, dentistry and nursing, and has compiled a list of achievements that range from organizing the first nursing school in northern Peru to fabricating the first set of false teeth in Guinea.

Yet in the last year or so, with the growing awareness that America too has poverty pockets, some of the project's workers began to feel that HOPE—like charity—ought to begin at home. Explains HOPE's 49-year-old founder-director, Dr. William Walsh: "Our country is already approaching something of a crisis in medical care. We have only about half the doctors and medical technicians we need and two-thirds of the nurses. And as you can imagine, it's even worse in poor areas. Therefore, about a year ago, we decided that in addition to our work overseas, we would also try to get something going here in the U.S. After looking all around the country we decided to start in Laredo."

HOPE couldn't have found a better spot to launch its first domestic program. Laredo is a dusty Texas border town of some 78,000 people, a town that in all its sun-baked history has managed to pick up few distinctions, except that it is now the poorest city in the nation. About 85 percent of the population are Mexican-Americans, many of whom scratch out an existence as field hands. There is much illness, few doctors, and only one 250-bed hospital to serve them and anyone else within a 150-mile radius.

SUPERSTITION

Moreover, with this under-exposure to modern medicine, has gone superstition. It is not at all uncommon for an appendicitis patient to attempt the home-cure of wrapping his belly with spiced banana leaves, or for a mother to refuse to let a doctor see her newborn baby for fear that he might look upon the child with a *mal de ojo* (evil eye). "So much of this superstition and the sickness that comes with it," concludes José Gonzalez, administrator of the county's public health program, "can be wiped out if only we can educate the people. But we just don't have the medical personnel to do it. That's where HOPE comes in."

Shortly after the eight-member HOPE staff arrived in May, they began seeking out candidates for their "health assistant" trainee program—a program that in four months intends to make nurses' aides and public health workers out of the under-educated housewives and field hands. "Since we've done this kind of thing all over the world," says William Walsh Jr., son of HOPE's director, and administrator of the Laredo project, "there's no reason why we can't do it here. You see, in almost all poverty areas there are a lot of very bright and unused people who are just waiting for a chance to improve themselves and serve others. Our job is to give them the chance."

Right away, however, HOPE ran into problems. Almost no males applied to the program—"evidently," says Walsh "it is considered woman's work to look after the sick." And then, there were women who wanted to apply, but whose husbands wouldn't let them for fear they would be rubbing elbows too closely with other men.

Even with these obstacles, by the beginning of October HOPE had recruited and begun to teach its first batch of trainees—all women, from 18 to 37 years old. "We had to scout around a bit to find them," says young Walsh, "but we've come up with a tremendous group that's rarin' to go. Almost all of them come from large families that are living below the poverty level, and yet have average IQ's or better. We've got them working a full 40-hour week and absences are rare."

COLLEGE AND FIELD

Participation in the program, for which trainees get a weekly stipend of about $40, involves an equal mix of classroom and field work. The courses are taught at Laredo Junior College, and range from public health care to weekly seminars in Mexican-American history. "The purpose of the Mexican-American history course," explains Dr. Stanley Ross, coordinator of the seminar series, "is to give the trainees some understanding and pride in their background."

As for the field work, it runs the gamut from learning to give enemas and vaccines at Mercy Hospital, to visiting farm workers' families. On a typical home visit, trainees meet up with families like that of Mrs. Felicitas Hernandez. Her husband, Guadalupe, is a field hand who earns $20–$30 a week, out of which he pays for his two-room shack, and feeds and clothes his eight children. They and thousands of other families like them, says Mrs. Anna-Maria Ramirez, a public health nurse, "are almost completely isolated. They go nowhere, see nobody. Yet, if any of them gets sick they must have somebody to turn to, to call. And who could be better than these health assistants who know the problems so well, because many of them have come from the same background."

"Most of us have been here all our lives," adds HOPE trainee, Manuela Chavarria, "so we know how the people are. Before HOPE came, I used to work as a custodian at Mercy Hospital. There you'd see a lot of real sad cases—like tuberculosis patients who died because they were afraid or forgot to take the pills the doctor gave them, or babies who had about scratched out their own eyes with long fingernails their mothers wouldn't cut. They believed it would stop the child's growth. Now that I'm getting some training I'm anxious to get out in the field and see what I can do about these things."

Once the health assistants have completed their training they will immediately fill the vacant slots in the public health program and at Mercy Hospital. Yet, they will not be through with their education. HOPE's staff has already begun to map out an "in-service" training program which will provide on-going education for the new health assistants, as well as for many other nurses' aides and public health workers.

"The reason for this in-service training," explains HOPE nurse Nancy Fern, who in addition to working on the training program also puts in a full-time shift at Mercy Hospital, "is to keep the health assistants and all other health workers up-to-date. In big cities like New York and Philadelphia it is common practice to have on-going training which includes lectures and familiarization with some of the latest techniques in medical practice. But out in places like Laredo, in-service training goes by the boards. We want to make sure that the training goes on after HOPE leaves."

BEYOND LAREDO

HOPE's immediate plan is to stick around Laredo for another three years. By that time they will have trained hundreds of health assistants, some of whom will stay in Laredo, while others are expected to fan out to other needy and desolate areas.

Also within a few years, HOPE intends to start up similar projects throughout the country (a second program is already underway on the Navajo Reservation in Ganado, Arizona). And if HOPE is successful, perhaps other programs, both public and private, will follow suit. "This is just the beginning," says Dr. Leo Cigarroa, Laredo surgeon and co-chairman of HOPE's Laredo project. "If we prove here that housewives and field hands can be made into competent health workers, there's no reason why it can't be done elsewhere."

Meanwhile, the eyes of Texas, and much of the nation, are upon them. They are beginning to see that the ready solution to poor quality medicine in poor areas may not be a lot of doctors, and a lot of money, but a classroom full of Oralia Camarillos and a little bit of HOPE.

IN HONOR OF NEW HAMPSHIRE WOMEN'S CLUBS

Mr. McINTYRE. Mr. President, 1970 marks the 75th "diamond jubilee" year of the New Hampshire Federation of Women's Clubs and the 50th anniversary of nine of its local groups.

Celebrating their golden anniversaries are the women's Clubs of Claremont, Hanover, Portsmouth, Lochmere, Bristol, Keene, Dublin, Stratham, and Pittsfield, N.H.

During the last 50 years these clubs and the outstanding ladies that comprise their memberships have made significant contributions to the State of New Hampshire. Their unselfish service to worthy causes is to be truly admired, and encouraged.

These ladies are a source of pride not only to their communities and State, but to women everywhere, for they epitomize the concerned woman who is committed to the belief that she can—and must—do something to make this a better place in which to live.

It is organizations like the Federation of Women's Clubs that have made this possible by uniting women for the purpose of reaching specific goals.

So I commend these ladies on this 50th anniversary and thank them for their invaluable service to their communities and New Hampshire. At the same time I wish to extend my congratulations to the State federation that provides the central leadership so essential in the operation of these local groups.

I want to bring this outstanding story to the attention of my colleagues in the Senate because I know they will be as inspired as I am with the great work these women are doing.

Mr. President, an article published in the January 18, 1970, edition of the New Hampshire Sunday News describes in detail the accomplishments of these nine clubs. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIFTY YEARS OF SERVICE TO COMMUNITIES: NH WOMEN'S CLUBS OBSERVE GOLDEN ANNIVERSARIES

(By Sharon Millern)

This club year marks the 50th anniversary of nine local groups of the New Hampshire Federation of Women's Clubs and the 75th "Diamond Jubilee" year of the state federation.

Observing 50 years of service are the Woman's Club of Claremont, the Women's City Club of Portsmouth, the Woman's Club of Hanover, the Lochmere Woman's Club, the Bristol Woman's Club, the Keene Woman's Club, the Dublin Women's Community Club, the Stratham Unity Club and the Pittsfield Woman's Club.

CLAREMONT IN 1920

In Claremont, women of the community were invited to join as clubwomen on Jan. 29,

1920, at the First Universalist Church. Mrs. Maud B. Reed presided and Mrs. Charles M. Skinner, a charter member of Sorosis, the first woman's club, organized in New York in 1868, reported at the meeting.

The first slate of officers of the Claremont Woman's Club was brought in on Feb. 26, 1920. Mrs. Ada Skinner was president and she presided at the first executive board meeting on March 1. There were 115 charter members and dues were set at $1 per member. It was voted to join the New Hampshire Federation on April 15 of the same year and on May 20, the first annual meeting was held with Mrs. Helen R. Boardway installed as president.

From 1920 to 1970, accomplishments of the club have included many continuing projects. Among the first were the organization of a clean-up campaign battling litter problems in Claremont, a substantial fund-raising project for the American Library Association, and donations to the American Red Cross, the New Hampshire Tuberculosis Program and the Claremont General Hospital.

Other projects have included donations to the Eagle Christmas Fund, the Children's Aid and Protective Society, Boy Scouts and Girl Scouts donations, sponsorship of a clinic for pre-school children, collections of books for the library, providing milk for children, organization of Girl Scout troops, cooperation with the Civil Defense program, a dental clinic, chest X-ray program and the Community Chest.

The group also sponsored Bloodmobile visits, sponsored students to Girl's State, a program for Senior Citizens, an art contest, and donated to Laconia State School, the Mental Health Clinic, provided clothing for the Community Center, provided awards for the Students Art Festival, donated to a Korean children's village fund and worked for various goals in legislation and community improvement throughout the years.

WOMEN'S CITY CLUB

The first meeting of the Women's City Club of Portsmouth was held in January, 1920, with 125 charter members, of which four are still members of the club. Miss Martha Kimball, founder of the club, was the first president.

In August, 1923, the group purchased a three-story house at 375 Middle St., and is one of the few clubs in the state to have its own meeting place.

The City Club was the hub of activities in Portsmouth as the house was occupied during the week by classes of crafts, sewing, basketry and others, as well as groups of volunteers working with the Red Cross or Family Welfare. Organizations of study groups contributed to the activities.

By the end of its second year, the club had 420 members, and in 1924, the first yearbook was printed. Projects included paying the mortgage on the house, redecorating and furnishing its rooms, and civic improvement work.

Funds were raised by performing plays, managing horse shows, sponsoring a crafts fair and as many activities as the imaginations of the members could devise.

The club's motto is "The glory is in the doing, and not in the trophy won."

Organizations that have been aided in their causes by the club members include the Portsmouth Naval Hospital, the Veterans' Christmas Fund, the USO, Grey Ladies and Nurses Aids, the Cancer Fund, League of Women Voters, Girl Scouts, Civil Defense, Council of World Affairs, Hospital Guild Sewing Group and others.

The club sponsored the Greenland Junior Woman's Club and maintains an advisory capacity for that group. Members are volunteers in other groups including the Blood Bank, the YWCA, church organizations, the Red Cross and Strawberry Banke.

WOMAN'S CLUB OF HANOVER

The Woman's Club of Hanover plans a 50th birthday celebration at a luncheon meeting in May.

The group was begun by several women concerned about the local school situation and continued as a local aid group until joining the Federation in the spring of 1920.

During the early days of the club, several interested groups were formed within the organization. The Hanover League of Women Voters and the Hanover Garden Club began as interest groups. Others, such as the literature section, remained as a department of the club.

One of the first interest groups was a "walking club" which was a popular pastime in the days before women took a more active interest in sports.

With a building fund that had been accumulating over the years, the members decided to provide interest-free loans to aid students of Hanover High School in obtaining advanced training and education. Club projects add to the funds available for this project.

Club members, as a group and individually, make service an important goal. Several members have "adopted" children at the State School at Laconia and send cards and gifts to them. Residents of the Grafton County Home are sent birthday cards and books are donated to the library.

The most dedicated service provided by club members in terms of time and effort is provided by the braille group of the club.

Several members have learned braille under the auspices of the club and transcribe textbooks for blind students in the area.

Two area families, selected by a social service director, are aided each Christmas season with gifts of toys and clothing, food, shoes, household items and surprise packages as a major club project. Many club members consider this the highlight of each year's charitable endeavors.

LOCHMERE CLUB FORMED

The Lochmere Woman's Club was organized and federated in 1920 with Mrs. Mable Hill True of Laconia as the official representative of the Federation to aid the fledgling group.

During the half-century of its existence, the club has had 25 presidents, and has sponsored or supported numerous community projects including a community Christmas tree, a Christmas party for children, a Christmas sing, civic improvement projects and charity work and donations.

Contributions are made annually to the Red Cross, Family Service Agency, Association for the Blind, Laconia State School, New Hampshire Hospital, New Hampshire Children's Aid and others.

A scholarship fund was set up in 1957 for graduates of Tilton-Northfield High School and Belmont High School. Graduates from the Winnisquam Regional School District are aided through a scholarship bequested by Mrs. Agnes Joyal.

The club has been instrumental in naming the streets of Lochmere, having poison ivy along the beach walkway sprayed and placing caution lights in the community.

Gifts have been sent to servicemen and members have canned food for charity programs. These and other special projects contribute to the club's effectiveness as a community-minded and service-minded group of women.

THE BRISTOL CLUB

"Intellectual and social development and united effort for progress and community welfare" is the stated object of the Bristol Woman's Club, organized Nov. 10, 1920, and federated Feb. 11, 1921.

Mrs. Mary Breck was the founder and first president of the 110 charter members. One of the club's first projects was the formation of an all-member chorus by Mrs. Helen Woodhouse. The chorus entertained frequently for events in the Bristol area.

Other projects during the early years of the club were lighting and caring for a Christmas tree members had planted in the town square, supplying milk for the school children, and the sponsorship of a community flower show.

Scholarship loan funds were made available by the group during the 1930s and again in the late 1950s. Girl Scout and Brownie Troops have been sponsored by the club since shortly after its organization.

"Operation Flower Pot," a project begun in the 1960s, is a continuing effort by club members to beautify the town square with flower boxes which are maintained by the club.

Polio clinics for students, children and adults have been sponsored by the group and cooperation in federation projects and community projects is continued by the membership. There are 86 members and 5 honorary members of the club.

KEENE WOMAN'S CLUB

Mrs. R. P. Hayward was the first president of the Keene Woman's Club in 1920. Mrs. A. Richard Chase is the president for this club year.

Projects sponsored by the group during the years have included YMCA donations, hospital aid, scholarships, a beautification project at Ashuelot Park, work for veterans, support of the MacDowell Colony, dancing classes and concerts, and a weekly story hour for children.

An annual Valentine's ball is sponsored as a fund-raising event by the group and contests in art and drama are entered by members annually with the result of many awards and citations. Monthly programs are sponsored with the library by the group's education department.

A new evening Home Life series of meetings for young women has been begun by the club.

Talking books are placed in the library for use by blind people.

Annual projects are the sponsorship of a representative to Girls State, gift packages to patients at New Hampshire Hospital and Laconia State School, donations to Radio Free Europe.

Speakers for club programs have included Robert Frost, Eva Le Gallienne, Dr. Max Lerner, Robert C. Hill and Elizabeth Yates.

May 12, a special golden anniversary tea and observance will be held.

1920 IN DUBLIN

The Dublin Women's Community Club was founded in 1920 by Mrs. T. C. Brockway. At the first meetings, members decided to make their group a meaningful force in community education and improvement, an instrument of cultural development and a source of active concern in government and political affairs.

Music and literature, social issues and science were included in program discussions.

The Trinitarian Church building was acquired as a clubhouse when that congregation joined with the Dublin Community Church. Along with the transfer of title to the building, the group obtained the organ, one of the pews and the church pewter. The antique pewter is displayed in a special showcase, the gift of Mrs. Phyllis Worcester, past president and former district director.

The building is used during the weekdays by the Dublin Cooperative Pre-School, has been used as a classroom for the Monadnock Community College, and as a social hall for Scout events and other youth organizations.

A lighting system was donated for the building by Mrs. Henry Gowing, a past president.

A swimming instruction program for children of the community was begun 35 years ago when the club acquired a section of lake-

front property. Additional beach property and a beachhouse were donated by Mr. and Mrs. Oscar Sewall and with the purchase of equipment and acquisition of this property, the program was expanded and continues to be an important part of summertime recreation for area youngsters.

The beach committee is under the chairmanship of Mrs. Millard Worcester. During the last season, more than 90 children participated in the swimming and sailing lessons under Red Cross instructors.

The club sponsors a Girl Scout and Brownie Troop, a story hour at the library, takes part in a community emergency fund, contributes to the holiday gift program at the State Hospital in Concord and the Laconia States School, is active in civic affairs and in general and federation projects.

Last year, the creative writing contest first place award was won by a member of the club.

Also planning events to mark their 50th year are members of the Stratham Unity Club and the Pittsfield Woman's Club.

TRAGIC CONDITIONS IN BIAFRA

Mr. MURPHY. Mr. President, yesterday, at the invitation of the Senator from South Carolina (Mr. THURMOND), I attended a gathering to meet the Princess Cecile y Bourbon Parma, who has been a relief worker in Biafra for the past 16 months, and Father Kevin Doheny, a missionary who has been in Biafra and Nigeria for the past several years, both of whom were among the last to leave Biafra before the surrender.

The tragic picture of the actual conditions of the people in that unfortunate country as recounted by these two great humanitarians leads one to believe that some of the press notices presently coming out of Biafra may not be dependable. This, of course, is completely understandable because as far as I have been able to ascertain the Nigerian Government in Lagos has not permitted the foreign press to inspect the country or the conditions nor has the national government permitted any inspection by officially designated inspection teams.

These two courageous people yesterday pointed out that under the conditions they know to exist millions of people, particularly children, must be starving every day, and that time is of the most importance if the complete destruction of the Ibo Tribe is to be prevented. Father Doheny explained that there is only one way effectively to supply the food in this tragic situation, and that is by airlift into the Uli airstrip or at a couple of other alternate airports which could be useful.

He points out that the food is available and on hand and ready for shipment and that once it arrives at the airstrip the organization of the Christian missionaries in the area will have a complete and capable group of people along with the necessary logistics to see that this food is delivered into the mouths of the hungry within 48 hours. The good father also points out that to his knowledge this is the only, and I repeat, only organization presently in existence that has the capability of accomplishing this. Father Doheny further explained that the organization would be available to work with any of the international humane organizations such as the International Red Cross or any of the others nor are they insistent on any particular designation or title. Their main concern is simply to see that the food is delivered to the hungry people.

One also gets the feeling that reports are sent to our State Department—and if they are not, they should be—which reveal the true, horrible picture of the situation. I would feel, unless they directly affect the security of the United States of America, they could and should be made public so that the people of our country would have a better knowledge of what is actually taking place in Nigeria.

It would seem to me that for many years we have looked hopefully to the United Nations—meeting constantly in New York—as the official body that could intervene in a situation exactly like this. I would hope they would act with speed and quite possibly be responsible for saving millions of lives of people who, without outside help, will most certainly starve to death.

There are also reports circulating, the truth of which I cannot guarantee, that some elements of the victorious army have gotten out of hand and there is indeed terrible destruction of life taking place at this moment.

I would hope that the President of the United States, through our Department of State and with the cooperation of other free nations, would immediately do everything possible to bring about conditions under which the humanitarian agencies that are available be permitted to distribute the food which is available to these starving people who need it so badly.

I asked Father Doheny if there had been any indication of help on the part of the Soviet Union and he said the only thing that he had seen in Nigeria sent in by the Soviet Union were Mig fighter planes.

I would urge and most strongly, that our Secretary of State do two things: First, examine every possibility of creating an international atmosphere whereby permission might be given for the delivery of food by air into Biafra after which the delivery of the food to the starving people be expedited with all haste and, second, all the information existing in the Department of State and barring only that which might have an adverse effect upon the national security and welfare of the United States, be released to the public press so that the people of this country and of other countries enjoying the luxury of a free and unfettered press could be able to know the actual facts of this tragic situation and the truth of what is happening to the most unfortunate people in Africa.

It would be my hope that we could generate immediate action in this matter to avoid the horrible possibility of the starvation of millions of tragic people.

ENVIRONMENT

Mr. NELSON. Mr. President, one of the most heartening signs in the long struggle in this country to protect the quality of our environment is the rapidly growing concern of the new generation. Young people will inherit the disastrous condition that we have been bringing about, and it is quite appropriate that they are beginning now to help establish new priorities and new values that are essential if the challenge of our grave environmental problems is to be met.

Mr. Colman McCarthy's column published recently in the editorial pages of the Washington Post is an especially good report on this matter. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDENTS DIGGING IN FOR ECOLOGY FIGHT

(By Colman McCarthy)

MADISON, WIS.—No group is more concerned, or more disgusted, about the growing destruction of the American environment than the young—the largely voteless and powerless kids in high school and college coming into their first push to adulthood. Their concern and disgust is based on two facts: first, they are less guilty than anyone in the current crime wave against America's air, land and water. This is not because the young are morally superior to the old, as some middle-aged cheerleaders for the kidcult seem to believe; but mainly because they haven't been around long enough to become accomplices in the pollution violence, assuming they might want to. Second, the young are more concerned about saving the environment because they will be the worst casualties if it is *not* saved. They have more years to go on the ecologically damaged planet than the middle and elderly aged.

Although many student environmental activists are using little more than the scream method that a few in the antiwar movement could never rise above, others are digging in for a long siege. They are finding out exactly what the environmental problems are: the politics, the economy and the technology of it all.

Among the nation's most active campuses in environmental issues is the University of Wisconsin at Madison. On a recent Friday afternoon from 4 to 7 p.m., 19 students met in a seminar on environmental problems. Under the direction of Professor Harold C. Jordahl, the seminar was vocal and highly intelligent. During the three hours, the students discussed and evaluated each other's term papers on such subjects as the hazards of a proposed nuclear power plant in Minnesota, the planning vacuum behind the recently rejected proposal for the Everglades jetport, the politics behind the SST—"it really makes sense," said one student, "we spend billions of dollars getting to London 3,000 miles away in half the time when we'll soon need twice the time getting to and from the airport 10 miles away"—the U.S. Army Corps of Engineers' Great Lakes dredging controversy, the lack of regional and national power planning in the U.S.

Prof. Jordahl, delighted to be working with students who bring brains as well as passion to the course, says: "This is the nuts and bolt work of recovering the environment. When a student has enough sense to go beyond outrage, then he is on the way to doing something, not just shouting something, about a given problem. In a few years, most of the students in the seminar will be working in government, in politics, in journalism, the park systems. They're learning the fundamentals now, so that when the time comes and they have the power to act, they'll know what to act for.

"On a deeper level, courses like these aren't only about the environment. They're survival courses."

Aside from the classrooms, numerous campus organizations actively lobby and agitate for antipollution goals. The Ecology Students Association recently sent a report to the University's hierarchy recommending several

measures for local control of "resources and pollution." The ESA report said that since the internal combustion engine was the main cause of air pollution, cars and buses on campus should be limited—with a final goal of excluding them entirely. The University steam generating plant, described by ESA as "one of the pollution landmarks of Madison," should be controlled. The University's open space and greenery, or what remains of it, should be respected—despite the administration's "apparent urge to pave every square foot of land."

Further recommendations urged immediate action from the administration to restrict the use of pesticides, to cease using high phosphate detergents, to control silting of nearby Lake Mendota and "ending the use of university property for field testing of pesticides." The first position paper of the ecology students was a condemnation of U.S. militarism in Vietnam; it linked the destruction of life and property in that country to the exploitation and damage to the environment in this country.

One reason the University of Wisconsin is perhaps the country's most environmentally active campus in The Daily Cardinal, the lively and crisp campus newspaper. It regularly runs front page stories on pollution and ecology. Last November, it reported extensively on a group of underdog Madison residents trying to save a local wooded area from the inevitable commercialists, who wanted it for an apartment house site. "The fight," wrote the Cardinal, "might be called a mini-battle, for across the nation it is much the same story. It's the old struggle between those who would develop and build in the name of 'progress' and those who would save and preserve what little is left of our American landscape." Other recent stories in The Cardinal included one on the city planning commission, Madison's air pollution problems, the Navy's Project Sanguine which threatened the ecology of northern Wisconsin.

Several editors of the Cardinal will come to Washington in late February for the U.S. Student Press Association's annual meeting of college editors. The entire meeting this year will be on ecology and the environment.

On April 22, E-Day will occur on hundreds of campuses, a teach-in on enivromnental problems and the options for survival. E stands for ecology, environment, earth, perhaps most basically, existence. Many believe that the new awareness will replace Vietnam as the main issue of campus activism if so, it would figure. Wars come and go, but so far pollution just comes, comes and comes.

"A THEOLOGY OF THE EARTH"—LECTURE BY DR. RENE DUBOS

Mr. MUSKIE. Mr. President, on October 2, 1969, the noted microbiologist and experimental pathologist, Dr. Rene Dubos, delivered a lecture at the Smithsonian Institution. Entitled "A Theology of the Earth," this lecture should be of great interest to all who are concerned with our natural surroundings.

Dr. Dubos is a professor at Rockefeller University in New York City. He is also a noted author who had received a Pulitzer Prize in 1969 for his book, "So Human an Animal."

Dr. Dubos believes that—

Man and the earth are two complementary components of an indivisible system. Each shapes the other in a wonderfully creative symbiotic and cybernetic complex.

In this very unique lecture Dr. Dubos alerts all of us to the dangers inherent in the destruction of nature and to the need for conservation.

I ask unanimous consent that this timely lecture be printed in the RECORD.

There being no objection, the lecture was ordered to be printed in the RECORD, as follows:

A THEOLOGY OF THE EARTH

(A lecture delivered on October 2, 1969, at the Smithsonian Institution in Washington, D.C., under the sponsorship of the Smithsonian Office of Environmental Sciences by Dr. René Dubos)

(NOTE.—Dr. René Jules Dubos, a professor of The Rockefeller University in New York City, is a microbiologist and experimental pathologist who first demonstrated the feasibility of obtaining germ-fighting drugs from microbes more than twenty years ago. Also a noted author of fourteen books, he received a Pulitzer Prize in 1969 for his book "So Human an Animal." He has been intensely concerned with the effects that environmental forces—physiochemical, biological, and social—exert on human life. His interest in the biological and mental effects of the total environment has involved him in the sociomedical problems of underprivileged communities as well as those created by economic affluence in industrialized countries. In this field of study, he has emphasized the environmental influences on the prenatal and early postnatal periods. A native of France, Dr. Dubos has been associated with The Rockefeller University since 1927. He is a member of the National Academy of Sciences, the Century Association of New York, and the American Philosophical Society. He holds twenty honorary degrees and sixteen awards.)

Ladies and gentlemen, the title of this lecture would be pretentious if it did not express profound feelings that I experienced a few months ago at the time of the Apollo 8 mission. Shortly after the return to earth of Apollo 8 the science editor of the Columbia Broadcasting System, Earl Ubell, interviewed the crew over the CBS network. Through skillful and persistent questioning he tried to extract from the astronauts what had been their most profound impression during their trip through space. What turned out was that their deepest emotion had been to see the earth from space. The astronauts had been overwhelmed by the beauty of the earth as compared with the bleakness of space and the grayness of the moon.

On the whole, I have been rather skeptical concerning the scientific value of the man-in-space program. But, while listening to the Apollo 8 crew, I became interested in that effort because I felt that it would pay unexpected dividends—namely, make us objectively aware, through our senses as it were, of the uniqueness of the earth among other bodies in the sky.

The incredible beauty of the earth as seen from space results largely from the fact that our planet is covered with living things. What gives vibrant colors and exciting variety to the surface of the earth is the fact it is literally a living organism. The earth is living by the very fact that the microbes, the plants, the animals, and man have generated on its surface, conditions that occur nowhere else, as far as we know, in that part of the universe that we can hope to reach.

The phrase "theology of the earth" thus came to me from the Apollo 8 astronauts' accounts of what they had seen from their space capsule, making me realize that the earth is a living organism.

My presentation will be a mixture of the emotional response of my total being to the beauty of the earth, and of my mental processes as a scientist trying to give a rational account of the earth's association with living things. The phrase "theology of the earth" thus denotes for me the scientific understanding of the sacred relationships that link mankind to all the physical and living attributes of the earth.

I shall have to touch on many different topics because I want to convey my belief that we have collectively begun to engage in a kind of discovery of ourselves—who we are, where we belong, and where we are going. A few lines from T. S. Eliot in his poem "Four Quartets" seems to me the ultimate expressions of what I shall try to express emotionally and to analyze scientifically.

"We shall not cease from exploration
And the end of all our exploring will be
To arrive where we started
And know the place for the first time."

All archaic peoples, all ancient classical cultures, have practiced some form of nature religion. Even in our times a large number of isolated, primitive tribes in Australia, in Africa, and in South America still experience a feeling of holiness for the land in which they live. In contrast, respect for the earth and for nature has almost completely disappeared from industrialized people in most of the countries that have accepted the ways of western civilization.

Primitive religion, with its sense of holiness of the environment, was always linked with magic. It is easy to understand how there can be links between primitive religious beliefs and the attempts to control nature through the mysterious influences of the world. Even though they always have coexisted among primitive people, religion and magic represent two very different kinds of attitudes.

In the words of the anthropologist Malinovsky: "Religion refers to the fundamental issues of human existence while magic turns round specific, concrete and practical problems."

Most of my remarks this evening will be based on the conviction that the ecological crisis in the modern world has its root in our failure to differentiate between the use of scientific technology as a kind of modern magic and what I shall call modern religion, namely, knowledge as it relates to man's place in the universe and, especially, his relation to the earth.

All ancient peoples personified a locality or a region with a particular god or goddess that symbolized the qualities and the potentialities of that place. Phrases such as "the genius of the place" or "the spirit of the place" were commonly used in the past. All followers of ancient cultures were convinced that man could not retain his physical and mental health and fulfill his destiny unless he lived in accordance with the traditions of his place and respected the spirit of that place. I believe it was the attitude that helped ancient peoples to achieve rich and creative adjustment to their surroundings. Now you may say: "Spirit of place; genius of place? This is no longer for us. We are far too learned and sophisticated."

Yet, rationalistic and blasé as we may be, we still feel, deep in our hearts, that life is governed by forces that have their roots in the soil, in the water, and in the sky around us. The last part of Lawrence Durrell's book *Spirit of Place* deals with this very topic. There is not one among us who does not sense a deep meaning in phrases such as "the genius of New England" or "the spirit of the Far West." We still sense that there is some kind of uniqueness to each place, each location; which gives it a very special meaning in our minds. But while we pine for the sense of holiness in nature, we do not know how to introduce this sense in our social structure. I am convinced that this has much to do with the ecological crisis.

I am not the first to express the feeling that we shall not be able to solve the ecological crisis until we recapture some kind of spiritual relationship between man and his environment. Some two years ago, for example, the learned American scholar Lynn

White, Jr., a professor at the University of California in Los Angeles, delivered before The American Association for the Advancement of Science a special lecture titled "The Historical Roots of Our Ecologic Crisis." This lecture must strike a very sensitive chord in the minds of Americans because it has been reproduced again and again in several journals—ranging from *The Oracle*, the organ of the Hippie movement in San Francisco, to the plush magazine *Horizon*. Among the many interesting and important things White says, I single out a particular item with which I disagree in part. He stated that, in his opinion, the lack of reverence for nature on the part of modern industrial man, especially in the United States, and the desecration of nature by technology are consequences of biblical teachings. He traced them to the first chapter of Genesis in which it is said that man and woman were given the right and the duty to replenish the earth, subdue it, and have dominion over all living things. According to White, this biblical teaching has had such a profound and lasting influence on western civilization that it has made modern man lose any feeling for nature and to be concerned only with the conquest of nature for his own benefit.

Also, White sees no hope of retracing our steps through science and technology because both exemplify the authority expressed in that statement in the first chapter of Genesis. The only solution to the ecological crisis, therefore, is to try to recapture the worshipful attitude that the monks of the Franciscan Order had toward nature in the thirteenth century. The last sentence of White's lecture is, if my memory serves me right, "I propose Francis as a patron saint for ecologists."

All of us have some kind of sentimental, romantic sympathy with Lynn White's thesis. All of us are happy that there have been practical expressions of this attitude in the development of the national parks and in the attempts to preserve as much wildlife as possible. By preserving the state of certain wilderness areas, with their animals and plants, their rocks and marshes, mankind symbolizes that it has retained some form of respect for the natural world. In passing, it is not without interest that the United States—the country which has certainly been the most successful and has done the most toward achieving dominion over the earth through technology—is also the one country which is doing the most to save some fragments of wilderness. I wonder at times whether Glacier Park and Monument Valley do not represent a kind of atonement for God's own junkyard.

Despite my immense admiration for Lynn White's scholarship, I find it difficult to believe that the Judeo-Christian tradition has been as influential as he thinks in bringing about the desecration of the earth. One does not need to know much history to realize that the ancient Chinese, Greek, and Moslem civilizations contributed their share to deforestation, to erosion, and to the destruction of nature in many other ways. The goats of primitive peoples were as efficient as modern bulldozers in destroying the land. In any case, the Judeo-Christian attitude concerning the relation of man to nature is not expressed only in the first chapter of Genesis. The second chapter of Genesis states that man, after he had been placed in the Garden of Eden, was instructed by God to dress it and to keep it—a statement which has ecological implications. To dress and keep the land means that man must be concerned with what happens to it.

Man is rarely, if ever, just a worshiper of nature, a passive witness of its activities. He achieved his humanness by the very act of introducing his will into natural events. He became what he is while giving form to nature. For this reason I believe that ecologists should select St. Benedict as a much truer symbol of the human condition than Francis of Assisi. Most of you probably know little about St. Benedict, perhaps even less about the history of the Benedictine Order. So allow me to elaborate on them for a few minutes because they represent a topic that is crucial to my personal attitude toward conservation.

St. Benedict created the first great monastery in the western world on Monte Cassino, in Italy, in the sixth century. He must have been a wise man, because when he formulated the rules of conduct for Monte Cassino—rules which became a model for monastic life all over the world—he decided that the monks should not only pray to God but also should work. Moreover, he urged that the monastery be self-sufficient. The rule of work and the need for self-sufficiency led the Benedictine monks to master a multiplicity of practical arts, especially those relating to building and to architecture. The monks learned to manage the land in such a manner that it supplied them with food and clothing, and in such a manner that it retained its productivity despite intensive cultivation. Moreover, they developed an architecture which was lasting, well-suited to the country in which they lived as well as to their activities, and which for these reasons had great functional beauty. Those of you who have traveled over the world know that the Benedictine monasteries are marvels of medieval architecture.

It seems to me that the Benedictine rule implies ecological concepts which are much more in tune with the needs of the modern world than is the worshipful attitude of St. Francis. Perhaps most influential among the monks who followed the Benedictine rule were those of the Cistercian Order. For reasons that I shall not discuss, the Cistercians established their monasteries in the lowlands and swamps: consequently, they had to learn to drain the land, and therefore they learned to use water power. And, through these technological practices, they converted areas of swamps and forests (that were not suitable for human habitation because of the prevalence of malaria) into wonderful fertile land which now makes up much of Europe's countryside.

If I have talked so long about St. Francis and St. Benedict it is not to give you a course in this history of medieval religion. Rather it is to illustrate two contrasting—but, I believe, equally important—attitudes toward nature: on the one hand, passive worship; on the other, creative intervention.

I have no doubt that the kind of worship symbolized by St. Francis helps man to retain his sanity by identifying himself with the totality of creation from which he emerged. Preserving the wilderness and all forms of wildlife is essential not only for esthetic and moral reasons but also for biological reasons.

Unfortunately, it will become increasingly difficult in the modern world to protect the wilderness from human use. In fact, no longer can there be any true wilderness. No fence is tight enough to shut out radiation clouds, air and water pollution, or noise from aircraft. Some ten or twenty years ago we could still escape from the insults of technological civilization by moving to the Rocky Mountains, to the Greek islands, or to the islands of the Pacific Ocean, but now the national parks and the isolated islands are almost as crowded and as desecrated as Coney Island. The only solution left to us is to improve Coney Island. In his short novel *Candide*, Voltaire pointed out that Candide discovered at the end of his adventures that the surest formula for happiness was to cultivate one's own garden. I believe that our Garden of Eden will have to be created in our own backyards and in the hearts of our cities. Just as the Benedictine monasteries had to apply, although empirically, ecological principles so as to remain self-supporting and viable, so must we learn to manage the earth in such a manner that every part of it becomes pleasant.

The achievements of the Cistercian monks serve to illustrate another aspect of modern ecologic philosophy. As I mentioned before, the swamps in which they established their monasteries were unfit for human life because of insects and malaria. But monastic labor, skill, and intelligence converted these dismal swamps into productive agricultural areas, many of which have become centers for civilization. They demonstrate that transforming of the land, when intelligently carried out, is not destructive but, instead, can be a creative art.

My speaking of medieval times in Europe was not meant to convey the impression that only then have there been great achievements in the management of land. One need only look at the Pennsylvania Dutch country to see a striking demonstration of land that has been created out of the forest, that became highly productive, and that has been well preserved. One could cite many similar feats all over the world. But the tendency at present is to determine the use of lands and waters, mountains and valleys, only on the basis of short-range economic benefits. And yet one can safely assert that sacrificing ecological principles on the altar of financial advantage is the road to social disaster, let alone esthetic degradation of the countryside. I shall now present a few remarks about how we can create land. By this I mean taking nature as it is presented to us and trying to do with it something which is both suitable for human life and for the health of nature.

To do this it is essential that we identify the best "vocation" for each part of our spaceship. In Latin the word for "vocation" refers to the divine call for a certain kind of function. I wish we could apply this word, and indeed I shall apply it, to the different parts of the earth because each part of the earth has, so to speak, its vocation. It is our role as scientists, humanists, and citizens, and as persons who have a feeling for the earth, to discover the vocation of each part of it.

Certain parts of the earth, like certain persons, may have only one vocation. For example, there may be only one kind of thing that can be done with the Arctic country; there may be only a limited range of things that can be done with certain tropical lands. But in practice most places, like most persons, have several vocations, several options, and this indeterminism adds greatly to the richness of life. To illustrate with a few concrete examples what I have in mind, I ask that you consider what has happened to the primeval forest in the temperate parts of the world. I am not going to speak about the tropics, I am only going to speak of western Europe and the United States—the two parts of the world that I know best.

Much of the primeval forest in temperate countries has been transformed into farmland, but what is interesting is that each part of this primeval forest transformed into farmland has acquired its own agricultural specialization, social structure, and esthetic quality. On the other hand, the temperate forest need not become agricultural land. In Scotland and eastern England such lands progressively were transformed into moors—the famous moor country of the Scottish Highlands and eastern England. This happened largely through lumbering activities and also through the sheep grazing of the Benedictine monks. The moors are not very productive from the agricultural point of view, but their charm has enriched the life of Great Britain and played a large part in literature. In North America, much of the primeval forest was transformed into prairie country as a result of the fires set by the pre-agricultural Indians. The prairies have now been converted in large part into agricultural

land, but they have left a lasting imprint on American civilization.

I have quoted a few transformations of the land from one ecological state to another which have been successful, but I hasten to acknowledge that many other such transformations have not been as successful. Much of the country around the Mediterranean has been almost destroyed by erosion, and very little is left of the famous cedars of Lebanon. The transformation from one ecological state to another has given desirable results, especially where it has occurred slowly enough to be compatible with adaptive processes either of a purely biological nature or when it involved the adaptation of man to the new conditions. This is the case for the moors in Great Britain. In this case the creation of romantic moors out of forest land took a thousand years, so there was a chance for all the adjustments that always occur in nature, when there is enough time, to come about. Contrast this with what happened in many parts of the United States where massive and hasty lumbering has been responsible for ghost towns and for eroded land.

From now on, most of the transformations of the earth's surface will occur so rapidly that we may often create those terrible situations resulting in erosion and destruction of the land. It therefore is urgent that we develop a new kind of ecological knowledge to enable us to predict the likely consequences of massive technological intervention, and to provide rational guides as substitutes for the spontaneous and empirical adjustments that centuries used to make possible.

I have spoken so far chiefly of the transformations of the forest into new ecological structures that have economic value. But utilitarian considerations are only one aspect of man's relation to the earth. The widespread interest in the preservation of wildlife and primeval scenery is sufficient evidence that man does not live by bread alone and wants to retain some contact with his distant origins. In practice, however, the only chance that most people have to experience and enjoy nature is by coming into contact with its humanized aspects—cultivated fields, parks, gardens, and human settlements. It is, of course, essential that we save the redwoods, the Everglades, and as much wilderness as possible, but it is equally important that we protect the esthetic quality of our farmland, and to use this image again, that we improve Coney Island.

I wish there were time to discuss at length the factors that make for a beautiful landscape. Clearly, there is a kind of magic splendor and magnitude which gives a unique quality to certain landscapes. The Grand Canyon, the Painted Desert, and Niagara Falls are examples of scenery to which man's presence never adds anything, and may detract a great deal. In most cases, however, the quality of the landscape consists, in a sense, of fitness between man and his surroundings. This fitness accounts for most of the charm of ancient settlements, not only in the Old World but in the New World as well. The river villages of the Ivory Coast in Africa, the Mediterranean hill towns, the pueblos of the Rio Grande, the village greens of New England, and all the old cities so well organized around peaceful rivers represent many different types of landscapes that derive their quality not so much from topographical or climatic peculiarities as from an intimate association between man and nature.

Among the many factors that play a role in the sense of identification between man and nature, let me just mention in passing how history and climate condition the architecture and the materials of dwellings and churches. Also, how the climate determines the shape and the botany of gardens and parks.

The formal gardens of Italy and France didn't just happen through accidents or through the fancy of some prince or wealthy merchant. These wonderful parks and gardens were successful because they fitted very well into the physical, biological, and social atmosphere of Italy and France at the time of their creation. Such formal parks and gardens also flourished in England, especially during the seventeenth century, but the English school achieved its unique distinction by creating an entirely different kind of park. The great and marvelous English parks of the late seventeenth and eighteenth centuries were characterized, as we all know, by magnificent trees grouped in meadows and vast expanses of lawn. This style was suited to the climate of the British Isles, to the abundance of rain, and to the fact that isolation is sufficiently limited to permit certain types of growth. In France many attempts were made in the eighteenth century to create gardens and parks in the English style. Except in a few cases, however, English-type parks and gardens were not very successful in France.

On this topic, there is an interesting letter of Horace Walpole, who was one of the prophets of the English landscape school. He traveled in France and after his return he expressed a critical opinion of the attempts to duplicate the English park on the Continent. "The French will never have lawns as good as ours until they have as rotten a climate," he wrote in a letter. This witticism expresses the biological truth that landscape styles can be lastingly successful only if they are compatible with the ecological imperatives of the countries in which they develop. This is what Alexander Pope summarized in his famous line, "In everything respect the genius of the place." The word "genius" here expresses the total characteristics and potentialities of a particular area.

We should have Horace Walpole's phrase in mind when we look at what is being done in our large cities toward creating parks and gardens. Just as the climate in France cannot produce the green magnificence of the English parks, so in general the atmosphere in most of our large cities is unable to support most plant species. This does not mean that plant life is out of place in our cities, only that much more effort should be made to identify and propagate for each particular city the kinds of trees, flowers, and ground cover that can best thrive under its own particular set of climatic and other constraints.

When I look on New York City parks and notice how their ordinary grass can appear so pathetic, and when I see how monotonous row after row of plain trees can be, I feel that botanists and foresters should be encouraged to develop other plant species congenial to urban environment. This is a wonderful field for plant ecologists because, in the very near future, pioneers of plant ecology are likely to be much more needed in the city than in the wilderness.

To summarize my remarks, let me restate that the "genius" or the "spirit of the place" is made up of all the physical, biological, social, and historical forces which, taken together, give uniqueness to each locality. This applies not only to the wilderness but also to human settlements—Rome, Paris, London, Hamburg, New York, Chicago, San Francisco—and I have selected these cities as representatives of very different types. Each of these cities has a genius that transcends its geographical location, commercial importance, and population size. The great cities of the world contribute to the richness of the earth by giving it the wonderful diversity that man adds to the diversity of nature. The "genius of the place" will be found in every part of the world if we look for it.

In the final analysis the theology of the earth can be expressed scientifically in the form of an enlarged ecological concept. Since this theology will be formulated by human minds it inevitably will involve man's interplay with nature. We certainly must reject the attitude which asserts that man is the only value of importance and that the rest of nature can be sacrificed to his welfare and whims. But we cannot escape, I believe, an anthropocentric attitude which puts man at the summit of creation while still a part of it. Fortunately, one of the most important consequences of enlightened anthropocentricism is that man cannot effectively manipulate nature without loving nature for her own sake. And here I shall have to summarize a set of complex biological concepts in the form of general and dogmatic statements which, I hope, will convey to you some feeling of what I would have liked to state more scientifically.

It is not just a sentimental platitude to say that the earth is our mother. It is biologically true that the earth bore us and that we endanger ourselves when we desecrate her. The human species has been shaped biologically and mentally by the adaptive responses it has made to the conditions prevailing on the earth when the planet was still undisturbed by human intervention. Man was shaped biologically and mentally while responding to wild nature in the course of his evolution. The earth is our mother not only because she nurtures us now but especially because our biological and mental being has emerged from her, from our responses to her stimuli.

Furthermore, the earth is our mother in more than an evolutionary sense. In the course of our individual development from conception to death, our whole being is constantly influenced by the stimuli that reach us from the environment. In other words, we constantly are being modified by the stimuli that reach us from nature and also from what we have done to the earth. To a great extent, we therefore come to reflect what we create. I shall restate here a phrase of Winston Churchill's that I quoted two years ago in this very room:

"We shape our buildings and afterward our buildings shape us."

This means that everything we create, good and bad, affects our development and, more importantly, affects the development of children. In his notes of a *Native Son* James Baldwin expressed even more vividly the influence of our environment on our biological and mental characteristics. Here are three phrases:

"We cannot escape our origins however hard we try, those origins which contain the key could we but find it, to all that we later become."

"It means something to live where one sees space and sky, or to live where one sees nothing but rubble or nothing but high buildings."

"We take our shape within and against that cage of reality bequeathed us at our birth."

In the light of the remarks that I have presented to you, I have come to a sort of general philosophy about the meaning of the word "conservation"; and it is with a brief statement of this philosophy that I end my presentation. Conservation programs, whether for wilderness or for man-made environments, usually are formulated and conducted as if their only concern were to the human species and its welfare. Yet they can be effective only if they incorporate another dimension, namely, the earth and her welfare.

This is not sentimentality but hard biological science. Man and the earth are two complementary components of an indivisible system. Each shapes the other in a wonderfully creative symbiotic and cybernetic complex. The theology of the earth has a scientific basis in the simple fact that man emerged from the earth and then acquired the ability to modify it and shape it, thus determining the evolution of his own future social life through a continuous act of creation.

(Dr. Dubos then invited questions from the audience.)

Question by Frank M. Potter, Jr., executive director, Environmental Clearinghouse, Inc., Washington, D.C.: When you were talking earlier about the necessity for striking a balance in nature it occurred to me that a basic problem is that an important part of the American myth is an uncritical belief in the desirability of a constantly growing economy—that somehow the development of our gross national product is felt to be one of the highest and best purposes that we can achieve. Can this be reconciled with your beliefs as to the rational way to treat nature?

Dr. DUBOS. I shall not discuss your question because I agree so profoundly with its spirit. I shall instead try to formulate the problem in a more positive form. Would it not be profitable to look in the world at large, and especially in this country, to recognize those situations in which people have survived and become reasonably prosperous but yet have maintained the environment around them in a form that is pleasant and viable? We would find, I believe, that in these situations men did not take growth *per se* as their goal. In the first chapter of Genesis man is instructed to populate the earth, subdue it, and gain dominion over it.

But in the second chapter man is instructed to take care of the earth. I wonder whether there is not an interesting historical aspect of man's relation to the earth implied in these two versions. There was a time, probably until the eighteenth century, when it was advantageous to increase the population to utilize the resources of the earth, and thereby to create social life. Now that this phase is completed and we have gone beyond it, the attitude expressed in the second chapter of Genesis is the one really relevant to our present condition.

The feeling that the only measure of success is creating more people and greater gross national income is a social invention not built in man's nature. In fact, we may be at the end of the phase when expansion just for the sake of growth is considered the chief social value. I am wondering whether—despite our sense of despair at seeing what is happening to this continent—we are not nearer than we think to a change in the national mood. One of the most interesting psychological events in the United States has been that, for the first time, we are beginning to hear many voices expressing that, as you said, the gross national income is not a goal of real value. I am impressed by the fact that this belief has been expressed in the United States, not in Europe. The probable reason is because it's here that technological society has been most successful. This topic is being discussed all over the country. I am aware that discussions and conferences do not solve problems, but they do create a climate of opinion which I am sure will change public attitude within your generation, if not mine.

Question by Dr. I. Eugene Wallen, Director, Office of Environmental Sciences, Smithsonian Institution: You have indicated a position which in one sense makes you a prophet of doom. I wonder whether you would make a prediction as to what will happen when the gross national product begins to drop?

Dr. DUBOS. Answering this question would be pretentious on my part because it would imply knowledge of sociology and economics that I do not have. But it may be worthwhile to mention what is being done in Sweden. I have the impression that the policy of the Swedish government during the past twenty years has been to organize the national economy, not for the sake of increased gross national product but on the bases of rearranging the community. The Swedes may not have been successful everywhere, but they certainly have gone much further than we have toward saving the countryside, improving the cities, arranging the life of people in such a manner that growth for growth's sake is not the only ideal. This does not mean abandoning technology but rather redirecting science. One of the crucial issues in our time is how we can continue to develop and utilize knowledge and to develop technology, not for the sake of growth but for the improvement of our total environment. There is so much to be done in this regard that it will occupy two or three generations. Nothing irritates me more in this respect than to hear that there won't be any work for anybody, that everything will be done by machines or computerized equipment. The crude fact is that 75 percent of the housing in this country should be destroyed because it is so bad and will obviously become slums in the near future. Reconstructing of our environment will not be done by computers, but it will demand that people become very much involved. The magnificent natural beauty of the United States is being spoiled everywhere, and everybody's participation is required to change this course. Fortunately, a few things are being done. To limit myself to only one example involving the use of powerful technology: See what is happening to some of the parkways. For example, the stretch of the Taconic State Parkway beyond New York. This is a product of technology which has transformed nature while still respecting her character. I think that the Taconic State Parkway is a kind of creation which in some ways is the equivalent of the medieval cathedrals. It seems to me that it's all there to be done; it only demands a redirection of the national effort. I think we will find the way, because we always find political solutions when goals are sufficiently well-defined to permit creative and intelligent use of science and technology.

RECLAIMING OUR ENVIRONMENT

Mr. MURPHY. Mr. President, an interesting editorial entitled "Deadline for Man's Survival," appeared recently in the Los Angeles Times. I believe the editorial underscores well the challenge in reclaiming our environment, a significant issue of the 1970's. The matter of pollution is truly a question of survival and above compromises and political interests, as the Times has well described it.

I join with our President in his fervent plea for protection of our water, air and our remaining open spaces for future generations to enjoy. I have, Mr. President, long been active in these areas, before "ecology" was even fashionable, and I intend to redouble my efforts in the coming months.

I ask unanimous consent that the editorial be printed in the RECORD, along with an article published in today's Times, describing Gov. Ronald Reagan's Omnibus Clean Air Act, which he has sent to the California Legislature.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Los Angeles (Calif.) Times, Jan. 6, 1970]

DEADLINE FOR MAN'S SURVIVAL

Issue: There is little time left to reclaim the environment from the mess we have made of it. Will we meet the challenge?

As he signed the legislation setting up the three-member Council on Environmental Quality the other day, President Nixon remarked that the 1970s will be now-or-never years for reclaiming our living environment. The imperative deadline was no exaggeration.

We have already passed the point where our technology, greed and stupidity have resulted in fundamental alterations of the planet's life-support systems. We are now able to see that if this reckless tinkering is not halted and then reversed, the continuation of life on earth will become problematical.

Everyone is against pollution of the environment but few grasp how far the corruption of our air, water and land have progressed. The visible and esthetically disturbing signs—the air made filthy and noxious by photo-chemical smog, the streams and rivers discolored by wastes—hardly begin to tell the story.

Similarly, most of the solutions this far proposed have been shaped by political expediency and special-interest lobbying. They can scarcely begin to match the problem.

Our basic resources are being assaulted and strained beyond nature's ability to cope. The six billion tons of fossil fuels we burn each year are slowly raising the temperature at the earth's surface. North polar ice is thinning, life in the seas is being affected, the oxygen balance is changing.

Our lakes, rivers and now even the oceans have been polluted with pesticides. Wildlife not only is endangered by pesticides but in some cases—the American bald eagle is one example—faces extinction. The finality of that word must be stressed. We are beginning to see the end for all time of species that millions of years of evolution created.

Man himself may suffocate in his own garbage. In California alone in the next 35 years, according to one estimate, 2.3 billion tons of solid wastes will be produced, enough to cover a 1,500-square-mile area to a depth of 10 feet.

Wastes which find their way into our lakes are speeding up the aging cycle and so overwhelming the natural processes that the lakes are literally dying. We level forests and hills and sand dunes with little thought for the complex interrelationship of living things and natural forces. Agricultural acreage with its irreplaceable topsoil is given over to commercial or residential use. Where will the food of the future be grown?

Population growth and consumption demands are a basic part of the environmental crisis. Right now 80% of Americans live on 3% of the land. Almost daily, scientists voice new warnings about the effects on our health of this squeeze. The threat comes not only from the dirty water we drink and the foul air we breathe. Evidence mounts that overcrowding, noise and all the other byproducts of too many people in too little space are responsible for physiological as well as psychological damage to humans.

The decade ahead is indeed—perhaps literally—the do or die era for reclaiming our environment, for saving ourselves. We know what must be done; the scientists and technologists must now show us the way, and political leadership must provide us the means, for doing it.

That requires first of all an unequivocal dedication at all levels of government to halting the pollution of the biosphere and the depredation of our resources. It means planning for our future, and implementing those plans in the development of new towns in the control of population. It means a continuing outcry from the people, demanding that the job be done.

We have run out of time for wishy-washy compromises, for permissiveness toward special interest groups, for political double-talk. The issue, in a word, is one of survival. That is not something we can compromise with.

[From the Los Angeles (Calif.) Times, Jan. 23, 1970]

REAGAN PRESENTS CLEAN AIR LAW TO LEGISLATURE—DESCRIBES OMNIBUS ACT AS MOST COMPREHENSIVE PROGRAM EVER PROPOSED

(By Jerry Gillam)

SACRAMENTO. — Gov. Reagan Thursday urged passage of a clean air law which he

said could reduce smog from automobiles up to 80% by the end of the 1970s.

Reagan, in a special message to the Legislature, called his program the "most comprehensive and far-reaching omnibus clean air law to battle air pollution ever proposed by any state or nation."

He said it would provide long-range tools necessary to crack down even harder on the two main causes of smog—the automobile internal combustion engine and open burning and industrial smoke.

In general, Reagan advocated testing of smog control devices on every new car before it could be sold in California, requiring oil companies to significantly alter the chemical makeup of their gasoline and giving fleet operators a tax break if they switched to natural gas-powered vehicles.

OTHER RECOMMENDATIONS

Also recommended were abandoning open dump burning, establishing statewide limits for smoke and dust, allowing regulation of agricultural burning and developing a 20-year master plan for locating new power-generating facilities.

The governor claimed the state has made progress in the fight against smog, but more effort is needed.

"California's passage of the toughest air quality control laws in history bears witness to the significant progress we are making," Reagan told the Assembly and Senate.

"Despite the increasing number of motor vehicles on our streets and highways, air pollution is on the decline. Working together, we can and must help speed that decline.

"To accomplish this goal, I am asking your support of a legislative program which will not only further strengthen already-tough controls on smog, but also provide the teeth needed to enforce them."

Specifically, he proposed:

Testing of smog controls on every new car sold in California. Dealers would have to file a certificate of compliance before a car could be registered. False certification would subject a dealer to criminal prosecution. Random roadside checks would be made by the Highway Patrol. The Air Resources Board would develop a practical assembly-line testing method for all new cars by 1972.

Sen. Lewis Sherman (R-Oakland) will carry this bill.

Giving the Air Resources Board the power to require oil companies to change their gasoline composition to help insure that evaporative smog-control devices are working at full efficiency and reduce hydrocarbon exhaust fumes by regulating the volume of olefins. The latter bill would be limited initially to gasoline sold in the Los Angeles-South Coast basin where smog is considered the most severe.

Assemblyman Pete Schabarum (R-Covina) will carry these two bills:

Reducing the fuel tax on natural gas from 7 to 3 cents per 100 cubic feet—the amount comparable to a gallon of gasoline—so that fleet operators will convert to vehicles that operate on either regular gasoline or compressed natural gas, similar to some state vehicles now being tested. Schabarum also will author this bill. Reagan said the use of natural gas can reduce smog by 90%.

Selling personalized license plates to raise money to fight the war against smog. Sen. Milton Marks (R-San Francisco) will carry this bill. Reagan said that if only 2% of the state's registered motorists applied for these plates, it would raise $3.8 million in revenue in the first year alone.

Requiring creation of air pollution control districts in all counties that don't already have them. Each new district would be required to file an antismog plan by July 1, 1971. If the Air Resources Board found the plan to be inadequate, it could adopt its own plan. Compliance would be mandatory.

MULFORD AUTHOR

Assemblyman Don Mulford will author this bill.

Allowing local air pollution control districts to regulate agricultural burning, including designating what can be burned and under what conditions.

Establishing statewide limits on smoke, dust, soot, odor and other nuisance matter in the air.

Banning disposal of combustible refuse in open fires—except in single and two-family dwellings, prohibiting open burning at private dumps and auto wrecking yards, and requiring each air pollution control district to submit a plan to phase out all open burning dumps within their jurisdiction by June 30, 1971.

Sen. Fred Marler (R-Redding) will carry this bill.

Establishing a statewide air monitoring network to measure air quality. Assemblyman Craig Biddle (R-Riverside) will carry this bill.

Directing the State Resources Agency in conjunction with the public utilities, to draft a 20-year master plan for location of new power-generating facilities. This plan would include recommendations on which fuel should be used selected on the basis of having the least adverse effect on the surrounding environment. All proposals for construction and expansion of plants would be subject to review by the state.

Assemblyman John V. Briggs (R-Fullerton) will carry this bill.

Reagan said he was "reaffirming the Administration's continuing commitment to an all-out war against the debauching of our environment" with his omnibus clean air law proposal.

OIL IMPORT STAFF REPORT

Mr. PROXMIRE. Mr. President, there has been much discussion about what the staff of the President's Cabinet Task Force on Oil Import Control originally recommended. In order to put the discussion on a sounder basis, I ask unanimous consent that part V of the report which has been widely leaked be printed in the RECORD at the conclusion of my remarks.

The most amazing thing in the attacks of the oil industry on this report is their apparent lack of faith in a market economy. Although they usually espouse a doctrine of free enterprise, they apparently feel that the oil industry cannot compete in a free market, it needs the protection of the Federal Government. This is a far cry from the beliefs of the rugged individuals who built the oil industry as we know it.

If the oil industry needs to be subsidized, let us do so honestly. Let us appropriate the necessary money. This way the taxpayers would at least know that the money has passed a budgetary review, that there is at least some semblance of a rational connection between the amount of money being spent and the benefit received. Under the present system, the American taxpayer and consumer is spending unbelievable sums of money without knowing it and without even the slightest guarantee that his money is being spent in a rational fashion. This must stop.

There being no objection, part V was ordered to be printed in the RECORD, as follows:

PART FIVE: A POLICY—ANALYSIS AND RECOMMENDATIONS

I. PROPOSED PROGRAM

A. General plan

1. Policy.—The proposed program takes as its point of departure the security of North American and Western Hemisphere supplies at an approximate wellhead price in South Louisiana of $2.50, provided there are appropriate preference and other arrangements to minimize dependence on relatively insecure Eastern Hemisphere sources of oil. Price and preference do not themselves determine petroleum security, but they establish the conditions for domestic and other secure-source exploration and production and the resulting volumes and distribution of imports on which security depends. We therefore outline a plan by which:

(a) a $2.50 South Louisiana wellhead price (for 30° crude) is achieved by the end of a two- or three-year transition period;

(b) subsidies embodied in the current quota system are phased out over a suitable period;

(c) tariffs are used as the basic method of import restrictions, with some reserve mechanism to prevent any sudden or excessive increase in the volume of imports from Eastern Hemisphere sources;

(d) a tariff exemption is extended to Canadian imports in the context of common policies to be negotiated on related energy matters, with an initially lesser preference for Latin American imports—subject to expansion over time with increases in U.S. import requirements; and

(e) both for the transition period and for the longer term, a management system is created to monitor both the mechanics and the underlying rationale of the restrictive system.

B. Tariffs as the restrictive mechanism: Factors in the Selection

2. National control. A program restricting imports on national security grounds should reflect federal rather than state control.—Under the existing quota system which fixes precisely the volume of imported crude oil, authorities in the states with effective "market demand prorationing" (principally Texas and Louisiana) restrict production to what is needed at the prevailing price and therefore control both price levels and domestic output.[1] There is reason to believe that, if quotas were retained and only gradually expanded, Texas and Louisiana authorities would restrict production more intensively to maintain both total supply and price. This could not happen with tariff restrictions because a state effort to curtail efficient production in order to maintain or raise prices would call forth greater imports rather than higher prices. It follows that tariffs are more likely to call forth more domestic production with lower cost—to the benefit of both the economy and the producing industry—than would be available under a quota system.

3. Competitive liberalization.—A tariff system makes imported crude and product supplies available to anyone willing to pay the tariff.[2] It therefore frees domestic buyers—who may be refiners, distributors, or marketers—from strict dependence on particular suppliers. Temporary shortages or contract terminations could be surmounted without the necessity of present recourse to the "hardship" allocation authority of the Oil Import Appeals Board.

4. Substituting the marketplace for Government allocation.—No single aspect of the present system has engendered so much controversy as the allocation of valuable import rights among recipients. Some of the more dubious features of past practice can no doubt be corrected, but there are inevitable strains and distortions in the administrative process of favoring some at the expense of others. The hazards of fallible judgment, combined with the ever-present risks of corruption, counsel strongly in favor of getting the government out of the allocation business as rapidly and as completely as possible. Some continuation may be necessary during a transition period, and alloca-

Footnotes at end of article.

tions might also be needed for any quantitatively limited tariff exemption granted to imports from a particular source; but these can and should be kept to a minimum. A tariff system can then have the advantage of reducing administrative costs and the danger of *favoritism and corruption.*

5. Revenues available for security measures.—While the President has statutory authority to "adjust imports" by either quota or tariff restrictions, the disposition of government revenues are, of course, subject to Congressional authorization and appropriation. Thus, these tariff revenues could not be earmarked for particular purposes; but they could serve as a basis for legislation to develop, for example, strategic petroleum reserves without increasing general taxes. An incidental benefit of a tariff system is thus that it could facilitate further research and exploration into development of synthetic crude, development of reserves on government lands, or other steps contributing to oil security.

6. Program flexibility.—A quota is essentially rigid in two respects—it sets fixed limitations on the volume of oil that can be imported, and it builds up vested interests in the allocation of import benefits. Both aspects make it difficult to keep the import program responsive to current economic and national security needs in the light of energy developments at home and abroad. A tariff system, with its closer approximation to market conditions, should be much more amenable to surveillance and change as needed.

7. Consumer savings.—Refiners receiving the benefit of low-priced foreign oil might now compete away part or all of that benefit, which would thereby be passed through to consumers. A tariff would, of course, appropriate any such savings. But we are uncertain about the extent, if any, to which such savings now are passed through to consumers. At most, permitted imports are priced about $600 million annually below domestic prices—or about 13 cents per barrel; the *difference* would be about $860 million in 1980. The passed through savings might, of course, vary as the allocation of quota tickets is varied. In all events, however, the savings made available by an immediate and general reduction of both domestic and imported crude prices to $2.50 per barrel would exceed $2.50 billion in 1970,[3] and $4 billion by 1980—far offsetting any price-increasing effects of shifting to tariffs.

8. Eastern Hemisphere price-cutting.—The spread between foreign production costs and tax-paid costs is so wide, particularly in the Middle East, that producing countries in that region might cut their taxes significantly to overleap our tariff barrier.[4] They could be discouraged from doing so and the national security protected, by some adjustment mechanism that would come into play if imports from the Eastern Hemisphere greatly exceeded anticipated levels: (1) a "reserve quota," (2) a flexible tariff that would respond automatically in a predetermined way, or (3) continuous or periodic surveillance and adjustment as needed by the import-control program managers. We shall later consider the details of possible managements.

9. Phasing out special allocations.—Quota licenses are not now awarded uniformly to all refiners but disproportionately in favor of certain persons or groups—by way of the sliding scale, historical allocations, and the like. Those special allocations would no longer exist when the shift to a tariff system was complete.[5] Appropriate transition measures to cushion the withdrawal of these privileges would be needed and are considered at a later point. To a large extent such phasing-out would be justified even if a quota system were otherwise retained. Under either system, however, exceptions and essential special benefits, if any, could be retained. If continuing special consideration for one or another group, such as petrochemical producers, is still deemed necessary or advantageous in the interest of the national security, it can be provided by means of an end-use exception from tariff. This form of special exception, unlike special quota allocations, would not be deducted from the import rights available for others.

10. Legal authority; trade policy.—Although it may seem unusual for the President to increase tariffs, this power is conferred by the statute which authorizes him to take whatever action he deems necessary on national-security grounds to "adjust imports". This authority also extends to the imposition of different tariff levels on imports from different sources, as and if required by national security considerations. Some policy difficulties may be encountered if our foreign trading partners seize on U.S. tariff preferences as a justification either for trade retaliation or for adoption of their own preferential trading arrangements in other commodities. The present quota system has, however, extended preferences to Canada, Mexico, and to some extent Venezuela without significant objection from other countries; we should be able to document the consistency of our tariff-preference arrangements with the national security exception in GATT—an exception not applicable to most other commodities; and beyond that if other countries are looking for excuses to justify their own tariff-preference policies they could doubtless find them in any case.

C. Proposed tariff levels

11. Gulf Coast pricing.—We have calculated the tariff level that at equilibrium will yield a $2.50 price at the wellhead for South Louisiana crude. This is 80 cents under the current price for such crude and 60 cents under the price that prevailed before February 1969. We have assumed that at least through the late 1970's, prices on the Gulf Coast will continue to be determined on a net-back basis from the East Coast. Although most new imports will be sold on the East Coast, demand in District I (The Eastern Seaboard) is such that considerable quantities of Gulf Coast crude can continue to move there, and since Gulf Coast oil will have to compete there with tariff-paid foreign oil, the tariff must be set high enough to absorb the transportation cost from the Gulf to the East Coast. As some Canadian and Alaskan oil begins to reach the East Coast in the late 1970's, Gulf prices might begin to rise slightly as Gulf oil is backed out of the far Northeast, but even by 1980 present estimates indicate that sizable amounts of oil should be moving from the Gulf to the Eastern Seaboard. If and when these shipments are backed out, it will be in favor of shipments from secure North American sources; in the interim imports from less secure sources will not capture the entire East Coast market.

12. Transportation costs.—The tariff has been adjusted for expected changes in transportation costs as larger ports are built and larger tankers come into use. Using figures supplied by Standard Oil of New Jersey, the Gulf Coast-East Coast rate has been computed at 27 cents for both 1975 and 1980. The Persian Gulf-East Coast rate is expected to fall from 74 cents in 1970 to 50 cents in 1975, and possibly to 45 cents in 1980. We have not adjusted the equilibrium tariff for this extra five cents after 1975 because it is small enough to fall within the normal margin of error, and because long-range developments may affect delivered prices in a number of ways all of which can and should be considered together in the review process we are recommending elsewhere in this paper.

13. Persian Gulf crude price.—Foreign oil prices are based upon the cost of Persian Gulf crude. Posted prices, of course, are not representative of actual transaction prices, and arm's-length f.o.b. prices must be adjusted for quality differentials to make the crude comparable in value to the 30° South Louisiana crude used as a base for the Task Force's calculations. We have taken our figures from calculations of the *Petroleum Industry Research Foundation,* which correspond closely to the Jersey Standard estimates.[6] Table A shows our computation of the 1975 equilibrium tariff on crude oil.

14. Product tariff.—We propose a tariff on all unfinished oils and finished products, other *than residual fuel oil,* equals *to the tariff on crude p'us 10 cents.* This tariff increment should eliminate any incentive for refiners to locate outside of the United States. At the same time, the tariff level would be sufficiently low that that potential product imports would continue to exert competitive pressures on domestic refiners and would protect the competitive position of independent distributors by offering them an alternative source of supplies if they are cut off by domestic sources. Unfinished oils, which differ from finished products only in the end use to which they are put, should be subject to the same tariff treatment. The derivation of the product tariff is discussed in detail in Appendix A.

15. Residual fuel oil and other exemptions.—Imports into District I of residual fuel oil to be used directly as fuel are essentially decontrolled under the current program. We suggest that this treatment continue and be made applicable to the other Districts, *by exempting* residual oil *to be used as fuel from the* increase in tariff imposed on crude and other products. It would be desirable to permit desulphurization within the United States,[7] and (depending upon what other preferences are granted to Latin America) to restrict exempt imports *of residual* oil *to those from the Western Hemisphere.* This is discussed further in a later section. The same technique of exemption from the increased duty can be adopted for other products and/or for particular end uses/ although any major exemption would have to be assessed in terms of the resulting increased imports and the sources of those imports.

TABLE 1.—*Tariff computation*

	1975
Wellhead price—30° south Louisiana crude	$2.50
Gathering charge—wellhead to gulf	.14
Gulf coast price	2.64
Transport—gulf coast to east coast	.27
East coast price	2.91
Less:	
Crude price f.o.b. Persian Gulf (adjusted for quality)	1.435
Transport—Persian Gulf to east coast	.50
Existing tariff	.105
Additional tariff required to equalize price at the east coast	0.87

D. Canadian preference

16. Potential advantages. (a) Volumes.—A South Louisiana wellhead price of $2.50 per barrel nets back to $2.39 (U.S.) in Edmonton for comparable quality crude, assuming our existing $0.105 tariff is imposed.[8] As discussed in Part Two, this netback price is only slightly below the present level; and, if all quantitative restrictions on entry into our market were removed, Canada should be able to export 3.0 MMb/d to the U.S. by 1980.[9] Some of this oil could move to the U.S. East Coast via a trans-Canadian pipeline if one were constructed to transport both Alaskan and Canadian Arctic crude, additionally picking up Alberta crude and synthetic production enroute.[10]

Footnotes at end of article.

16b. Balance of payments.—The net dollar outflow for a barrel of Canadian oil is substantially less than that for other foreign sources, in spite of the higher price for Canadian oil; moreover, offsetting arrangements have been made in the past and could be employed in the future.

16c. Security of inland deliveries.—The risk of political instability or animosity is generally conceded to be lower in Canada than for any other major oil-producing country. Moreover, the risk of diversion of Canadian oil to other export markets in an emergency is also minimal, so long as the bulk of deliveries is made by inland transport—pipeline or the Great Lakes. Thus apart from Eastern Canadian import vulnerability, the U.S. is relatively assured of receiving the security benefits of any tariff preference it extends.

17. Harmonized energy policies.—Full realization of those benefits is contingent upon the development of common or harmonized policies with respect to petroleum and related energy matters.

17a. Delivery network.—Oil and gas deliveries by means of a trans-Canada pipeline from the Alaskan North Slope and the Canadian Arctic regions to the U.S. Midwest and East Coast would be more secure from psysical interruption and less subject to export diversion in an emergency than tanker movements either from Southern Alaska or via the Northwest Passage. Such a pipeline could also reduce the otherwise growing dependence of the U.S. East Coast on tanker shipments of Gulf Coast and imported oil.

Agreement to allow construction and operation of a trans-Canada pipeline, on equitable terms for cost- and throughput sharing, could further stimulate development of both crude and synthetic production in Canada and thus maximize the benefits of a preferential tariff arrangement. Canadian acknowledgement of unimpeded transit rights through the Northwest Passage could, of course, also be desirable.

17b. Synthetic fuels.—Development of the Alberta tar sands has been impeded by the reluctance of provincial authorities to issue licenses while conventional production is still prorated; this bar should be removed with the opening up of the U.S. market. Technology is well advanced, but at the slightly reduced minehead price, some tax or royalty concessions might be necessary to promote expanded investment. The two governments would facilitate future development by agreeing to consult on harmonized research and tax policies that would accelerate output from synthetic sources in both countries.

17c. Import policies.—A full U.S. tariff preference for Canadian oil is difficult to justify while Canada continues to import all of its Eastern requirements from offshore sources." In an emergency, Canada could be expected to turn to the U.S. to supply those imports, or compete or whatever supply is available, thereby subtracting from the overall security value of U.S. imports from Western Canada. If Canada agrees to adopt a common external tariff or otherwise to limit her dependence on offshore oil to a comparable proportion of her consumption, that would resolve the difficulty. Another acceptable arrangement would be for Canada to make internal arrangements—by way of reserve deliverable capacity or otherwise—such that she could certify her non-reliance on U.S. oil in an emergency. And also guarantee undiminished delivery of then-current exports to the U.S.[11]

17d. Related energy matters.—A special preference for Canada may be questioned by less-favored oil-exporting countries. The arrangement would be most defensible if placed in the context of extensive cooperation throughout the energy sector. Such cooperation has already been developed in specific areas, as exemplified by the electric-power interconnections. Extension of this principle, through agreement to open a broad-ranging discussion of trade liberalization on cross-boundary movements of all forms of primary or secondary energy, would enhance both the intrinsic value of a Canadian preference system and make it diplomatically more acceptable.

18. Unilateral vs. bilateral action.—Detailed negotiation of all the elements of the foregoing "package" may be expected to consume a considerable period of time. Extension of a tariff preference need not await the outcome of the thos? negotiations, if the Canadian government declares its agreement in principle with the essentials of the proposed arrangements. There is no reason to expect subsequent bad faith on the part of the Canadian negotiators, and the U.S. would always retain the power to diminish the preference if the negotiations broke down or became hopelessly deadlocked. The preference would take the form of a total exemption from the increase in the existing U.S. tariff levels on crude and products. If the Canadians are unable or unwilling to make a suitable declaration of agreement in principle, the U.S. could limit its preference pending detailed negotiations in one of two ways: (1) by setting a tariff of, say, 50 cents on Canadian crude, about half way between the prseent and increased tariff levels; or (2) by fixing a quantitative limit of, say, 1 MMb/d on the Canadian imports for which a full exemption from the increased tariff is granted. The second alternative seems preferable, although an allocation system would be required,[12] since it would elicit an immediate increase in the output from existing Canadian fields, while deferring hte U.S. market incentives for exploration and development of new Canadian areas until the negotiations are satisfactorily concluded.

E. Latin American preference

19. Excess imports.—Although there are considerations in favor of giving Latin America the same unlimited access to our domestic market as is proposed for Canada, such access would not be compatible with the other program goal to maintain a $2.50 price for U.S. production. Venezuela, the primary exporting country in Latin America, illustrates the difficulty. In 1968, Venezuela exported 3.3 MMb/d of oil—to other parts of Latin America, to Europe, Canada, and the U.S.—all of which had to compete with Eastern Hemisphere oil at world prices. Exempting Venezuela from the proposed tariff would give its oil a 90 cents per barrel premium (more during the transition) and thus draw to our market virtually all Venezuelan exports. This Venezuelan oil plus imports expected from Canada would substantially exceed the amount which the United States could absorb and still maintain a $2.50 domestic price. Although Venezuela might unilaterally limit the flow to the United States in order to maintain the maximum premium on each barrel exported and to avoid undercutting our $2.50 domestic price, this cannot be assured; even if it could, there would remain the problem of windfall profits discussed below, and it would leave control of the U.S. price in Venezuelan hands.

20. No increase in output.—Unlike the Canadian case, a higher price in the United States for Venezuelan crude would not by itself lead to higher Venezuelan production. Present production is predicated on a world price and would be forthcoming without a premium. Further Venezuelan production is primarily a policy decision for that government. Venezuela currently levies taxes and royalties averaging for light crude about $1.10 per barrel, which exceeds average exactions by other producing countries. Adjustments in these levies and decisions by the government about how fast it wishes to open up newer areas for production are the primary determinants of how much oil will be forthcoming from Venezuela. Although a substantial premium might encourage the government to open up new areas faster, there is good reason to believe that Venezuela will gradually open up these areas even if it must compete at world prices with Eastern Hemisphere oil. A sizable premium is thus not thought necessary to bring forth this production, and at least in new areas the major result would be to increase the government revenue derived from oil.

21. Windfall profits.—As noted earlier current production from Venezuela is sold at or near world prices. This means that any preference giving producers a premium in the U.S. market would result in windfall profits for companies currently holding concessions.[13] On new concessions, the Venezuelan government and the companies could take into account the value of the preference in determining the terms of service contracts. In these cases the ultimate beneficiary would probably be the government of Venezuela.

22. Partial tariff reduction.—We have also considered giving Venezuela only a 50 percent or other partial tariff reduction instead of a complete exemption. But Venezuelan exports would still earn a 45 to 50 cents per barrel premium in our market; the incentive to divert its exports from other markets to the U.S. would remain substantially unaltered. A very slight preference, offset as it could be by other marketing and refining considerations, should not significantly alter the market distribution of Venezuelan exports but should help protect the Venezuelan share of the U.S. market against Eastern Hemisphere competition.[14] Such a modest preference, a 10 cents per barrel reduction, is used to illustrate the equilibrium plan. As the level of U.S. imports increases, it might be possible to raise the amount of preference.

23. Preference on limited quantities.—It might be possible to avoid some of the problems outlined earlier by granting a tariff reduction on limited amounts of Venezuelan and other Latin American oil. Above that limit imports from Latin America would be subject to the same tariff as that levied upon Eastern Hemisphere oil. Illustrative limitations of 2 MMb/d in 1975 and 4 MMb/d in 1980—quantities the U.S. could readily absorb—are shown in Table B, *infra*.

23a. Allocaton of preferred oil.—As in the Canadian case, denial or postponement of a full exemption necessitates an additional choice. We could allocate tickets to U.S. refiners for the "exempt quota".[15] If possible, we would prefer to avoid that administrative burden, especially as it becomes unnecessary for the rest of the program. A possible alternative would be to charge a tariff on all oil equal to the weighted average of the proferred tariff and the regular tariff; if, for example, 3 MMb/d were imported from Venezuela when the preference were limited to 2 MMb/d, the tariff could be set equal to two-thirds of the preferred rate plus one-third of the regular rate. Tariffs could be collected at what the government expected the average tariff for the year to be with settlements at the end of the year for over or under-assessment. A troublesome drawback with this approach, other than its administrative difficulties, is that imports might greatly exceed the preference level, since the perceived marginal tariff for at least the smaller producers would be only the average rate. In Canada, with numerous competitive producers, this drawback would probably be dispositive; in Venezuela the effect may depend on the extent of production controlled by the larger producers who could be expected to recognize the effect of their actions.

23b. Windfalls.—As noted earlier any such plan is likely to result in windfalls to existing concessionaires—or, in the event of tax renegotiation, to the Latin American government.

24. Preference for new oil.—The regular

Footnotes at end of article.

tariff could be reduced by one-half on all Latin American crude from fields not under active production at the time the new import *program is initiated.*[16] This would provide Latin American countries with a substantial premium—about 45 cents per barrel—for production from new areas. Such a preference could induce more rapid development of new production from relatively secure areas and thereby promote our security goals. In addition there would be several substantial advantages over any other form of partial preference. First, the preference would not result in any windfall gain for the companies currently producing in Latin America; no new preference is necessary to induce their production which is predicated upon sales at or near the world price.[17] Second, the problem of oversupply from Venezuela would be avoided so that the U.S. price could be maintained without quantity restrictions on Latin American production. Expected volumes of new production would be very modest by 1975, and even in 1980 only about 3 MMb/d would be coming from new fields; this amount could readily be absorbed by that date.

24a. Administration.—This form of preference would not require a system for allocating the preferred production, but it would be necessary to identify oil coming from new areas. Tagging new fields should be relatively simple; established areas are well identified, particularly in Venezuela. The more difficult problem is keeping track of the source of oil during gathering and transportation to the United States. A possible solution would give foreign producers in new areas reduced-tariff selling certificates for volumes of oil equal to their production for the previous year in those areas. Such rights could be transferred to any U.S. importer of oil from the country involved and serve as the importer's license to import at the preferred rate. It seems unnecessary to physically separate the preferred oil throughout its movement from the wellhead to the United States.[18]

24b. Diplomatic problems.—This plan would require at a minimum some policing by the exporting countries in certifying production sources and distributing selling certificates; this could become a source of suspicion or resentment between the United States and the producing country, if either were given reason to doubt the full cooperation of the other.

25. Exemption for residual fuel oil.—In addition to whatever other preference is given Latin America, it would be possible to restrict the residual fuel oil exemption to Latin American oil. This would assure Latin America a minimum share in the U.S. market and would protect Latin America from growing imports of Eastern Hemisphere residual. Because Latin America residual tends to be higher in sulphur content than that made from Libyan crudes, its chief competitor, this restriction might mean some increase in the price of residual fuel oil for municipalities limiting sulphur content[19] to cover the cost of desulphurization.

26. Equal treatment of Latin America and Canada.—Apart from the excess-imports problem and the difficulties of administering a partial exemption, there are several reasons for differentiating Latin American from Canadian imports. First of course is the security of deliverable supplies: even if Venezuela and other Latin American producers were to guarantee non-diversion to other export markets without our consent in an emergency, the present dependence of Europe and Japan on relatively insecure Eastern Hemisphere sources is such that in any severe emergency we might feel compelled to grant our consent for any readily divertible supplies—and Latin American exports fall in that category. Second, several Latin American countries are both producers and importers of oil; an "Eastern Canada" type of solution would have to be negotiated with each one of them before a full exemption could be justified. Third, there is an observed difference between the real costs of production in Canada and such countries as Venezuela—a tariff exemption for th former will call forth additional production while one for the latter will generate mainly windfalls. Finally, the economic infrastructure of the United States is and can be far more integrated with that of Canada than with the economy of any Latin American country; the possibilities for mutually beneficial coordination of energy policies is much greater.

27. Conclusion.—There are security benefits to be gained from encouraging Latin American as opposed to Eastern Hemisphere imports. To take just one example, a selective boycott against the United States alone by Eastern Hemisphere producers could be deterred by readily available imports from Venezuela. Caribbean imports are also more protectible against any submarine menace that may occur. A full tariff exemption, however, would present very real difficulties. For present purposes we propose an initially smaller preference than is extended to Canadian imports. We also recommend, however, that the question of Latin American preferences be charged with responsibility for the program—and that they keep under active consideration the possibility of expanding the preference system.

F. Resulting import distribution

28. Tabular presentation.—Table B summarizes the distribution of imports under various alternatives. In all cases the wellhead price for South Louisiana crude would be maintained at $2.50, and imports from the Eastern Hemisphere would be subject to the tariffs set out in Section B. It is worth noting that in no case in which a preference is extended to Canada or Latin America do Eastern Hemisphere imports in 1980 exceed 2.0 MMb/d (10.5% of U.S. demand). If the exemption for residual fuel oil imports were limited to those from Latin America, imports from Latin America might be slightly increased and those from the Eastern Hemisphere correspondingly reduced. Since total residual fuel oil imports are expected to be only 1.4 MMb/d in 1980 (1.2 MMb/d in 1975), a large part of which probably come from Latin America in any case, any increment would be small.

TABLE B.—SOURCE OF IMPORTS UNDER PROPOSED TARIFF PLANS[1]

[U.S. Imports—4.7 MMb/d (1975); 8.0 MMb/d (1980)]

	Canada[2]		Latin America[3]		Eastern Hemisphere	
	1975	1980	1975	1980	1975	1980
I. No exemptions[4]	1.8	1.5	1.8	3.5	1.1	3.0
II. Canadian imports exempt	2.0	3.0	1.8	3.0	.9	2.0
III. Canadian imports exempt:						
A. Tariff reduced $0.10 on all Latin American imports[5]	2.0	3.0	2.4	4.0	.3	1.0
B. Tariff reduced $0.25 on Latin American imports up to 2MMb/d (1975) and 4MMb/d (1980)[6]	2.0	3.0	+2.0	+4.0	−.7	−1.0
C. Tariff reduced $0.45 on Latin American imports from new fields[7]	2.0	3.0	1.8	+3.1	.9	−1.9

[1] Residual fuel oil imports are included in totals. These are expected to be 1.2 MMb/d in 1975 and 1.4 MMb/d in 1980.

[2] Based on the following projected output for Canada.
Case I—1975, 2.8 MMb/d; 1980, 3.5 MMb/d.
Cases II and III—1975, 3.0 MMb/d; 1980, 4.5 MMb/d.

[3] Output for Venezuela, the primary Latin American exporter, is expected to be the same in all cases unless otherwise noted.
Cases I–III, 1975, 4.1 MMb/d; 1980, 5.4 MMb/d.
These estimates assume that Venezuela adjusts its tax policies so as to remain competitive in the world market. With any major preference, these exports unless otherwise limited would be diverted to the United States. When Latin America and the Eastern Hemisphere compete in the U.S. market at world prices, their shares of total non-Canadian imports are indeterminate although the quantities shown are representative values.

[4] Assumes Canada will choose to be self-sufficient in oil backing out Venezuelan exports there. These exports will be redirected primarily to the United States.

[5] Transitional values for this case are illustrated in table C. A tariff reduction of this amount is not expected to lead to complete diversion of Venezuelan imports.

[6] Quantities shown for Latin America are the minimum expected imports. Greater Latin American imports would reduce amounts expected from the Eastern Hemisphere.

[7] The quantity shown for 1980 is the minimum expected level of imports. The production from new areas in Venezuela is expected to be 0.3 MMb/d in 1975 and 2.9 MMb/d in 1980.
Minor amounts would also be imported from new areas in other countries. Inasmuch as the preference accelerates production, estimates of output in footnote (2) would have to be adjusted upward.

G. Eastern Hemisphere security adjustment

29. Rationale.—It remains possible that Eastern Hemisphere imports considered less secure than those from the Western Hemisphere might increase unexpectedly despite the high proposed tariff barriers. To guard against this possibility, consideration of some device for limiting Eastern Hemisphere imports to an acceptable range is called for. The following paragraphs discuss the nature of such a device, and the range beyond which Eastern Hemisphere imports should be increasingly restricted.

30. Adjustments by traiffs. (a) Upward.—The most obvious response to undesirable increases in the volume of Eastern Hemisphere imports is, under a tariff system, to increase the tariff on oil from these sources. A method of doing so which is consistent with the national security basis of the program is to increase the tariff gradually when imports approach or exceed the acceptable level.

30b. Downward adjustments.—On the other hand, to ensure that Eastern Hemisphere oil continues to exert a competitive influence in the market and helps to prevent undue price increases from other foreign and domestic sources, the policy might call for a reduction in the Eastern Hemisphere tariff if imports from that area fell below a small minimum ratio to U.S. demand. The cause of such changes in Eastern Hemisphere import levels should be reviewed periodically or whenever a fundamental change in the tariff structure is under consideration.

30c. Minimize speculation.—Any changes in tariff levels under an "automatic" mechanism like this should take place quickly enough to minimize such speculative effects as a race by importers to beat a prospective tariff change by massive changes in present import quantities.

31. Desired Level of Eastern Hemisphere Imports. (a) Generally.—We suggest that imports from the Eastern Hemisphere of about 10% of total U.S. demand under normal circumstances is a tolerable limit based on national security considerations.[20] We further suggest that the Eastern Hemisphere tariff should begin to increase when imports exceed the 10 percent level and should rise more steeply above 15 percent of total de-

Footnotes at end of article.

mand. Such a policy should keep average import levels from the Eastern Hemisphere within an acceptable range.

31b. Specific Proposal.—We propose that the tariff on imports from the Eastern Hemisphere be adjusted linearly as they increase from 10 percent to 15 percent of seasonally adjusted U.S. demand, such that if Eastern Hemisphere imports reach 15 percent, the tariff would be increased by $.50. The adjustment would add 1 cent of tariff for each 1/10 of 1 percent increase in imports above 10 percent of demand, up to 15 percent. Above 15 percent the rate of increase should double, and the interagency review of import policy should be initiated. Conversely, if Eastern Hemisphere imports fall below 5 percent of U.S. demand, the tariff should be reduced at the same ratio down to zero percent, such that the "last barrel" imported would enjoy a tariff reduction of $.50 below the equilibrium tariff on Eastern Hemisphere oil. *The adjustment should be made quarterly, by estimating Eastern Hemisphere imports at the prevailing tariff on the* basis of import trade in the current quarter, and then setting the *tariff at the level determined* by plotting the *estimated imports against* the linear *function described above.* For example, if imports were projected at 11.3 percent of demand, the additional tariff would be $.13. The new tariff should be announced sufficiently in advance of the quarter, perhaps one month, so that corporate planners could take it fully into account.

32. Periodic review.—Although the short-term adjustments we have suggested are automatic, a periodic appraisal of the reasons for changes in import volumes would be desirable. For example, a decline in imports below 4 percent might turn out to result from monopoly pricing by the exporting countries; we might not wish to keeep tariffs at their decreased levels in such a circumstance. Conversely, if world prices do decline over the long run we might want to reconsider security factors before deciding to continue to continue to exclude the lower-priced imports. The automatic mechanism suggested here would give the policy-determining agencies some time to undertake the policy review that will be required when fundamental changes occur.

II. TRANSITION

A. Objectives

33. Generally. One reason for phasing changes in the program over some transition period is to cushion the impact of those changes upon those adversely affected. Second, a phased transition will enable program managers to make timely changes in programmed tariff levels should key projections—such as those involving domestic production levels or foreign crude prices or volumes—prove erroneous. A third conceivable reason for a transition period would be to avoid windfalls. Leadtimes required to construct physical facilities for handling increased imports (tankers, refineries, marine terminals, pipelines) might delay achievement of expected import volumes and prices for several years, with resulting short-term windfall profits for those possessing such facilities. Preliminary study indicates, however, that *incremental volume of imports in the first years following even an immediate shift to free trade would be so small that few windfalls would occur.*

B. Specific transition measures

34. Affected interests.—The groups affected by alterations in the program, and the transition measures suggested to alleviate the impact of those changes, are as follows:

34a. Domestic crude producers must adjust to lower domestic crude prices. The impact on them can be alleviated by a staged decline in protective tariff levels over an appropriate period—perhaps two or three years for a change to a $2.50 wellhead price, as suggested in Tables C, D, and E.

34b. All refiners will lose the benefit of the quota allocation they now receive. To the extent, however, that such benefits are now passed through to consumers, the refiners themselves have no net stake in the value of such allocations. Even here, however, the allocations can be phased out.

34c. Small refiners will lose the benefit of the favorable "sliding scale" method of import allocation. The "sliding scale" could be phased out over the same period as the new price is phased in or even a longer period by continued use of a partial tariff-free quota, in the manner illustrated in Tables C, D, and E and explained in Appendix C.

34d. Recipients of historical allocations for crude and products will lose these allocations. Recipients of historical crude allocations are mainly large companies, and should be able to adjust immediately.[21] Some recipients of historical product allocations are also in this class; some of the others who might suffer genuine hardship could be granted continuing allocations during the transition period by the Oil Import Appeals Board.

34e. Present importers of "unfinished oils" would have to adjust to classification of "unfinished oils" as products requiring payment of a higher tariff than on crude. These importers should not suffer greatly because (1) the anticipated tariff differential for products will be small, and (2) importers could be allowed to bring in a proportion of unfinished oils under the tariff-free quota allocations granted during the transition period.

34f. Recipients of special import privileges in Puerto Rico and the Virgin Islands might have their competitive advantage reduced. Since these importers will still receive considerable benefits during the transition period—the privilege of importing crude tariff-free to the mainland—further assistance should be granted only on a hardship basis and then solely to prevent adverse effects on the islands' economies.

34g. West Coast crude prices—now lower than elsewhere in the country—must ultimately adjust to parity with those on the East Coast. The new parity will be at a lower level than existing prices. And during the transition period, a temporary price rise on the West Coast could be prevented by a separate, transitional, tariff-free quota for that region, as illustrated in Tables C, D, and E.

34h. Consumers would no longer receive the benefits, if any, of low-cost foreign oil now imported. The tariff would appropriate the difference between foreign and domestic prices. Some of that difference may now be passed through to consumers. To that extent, the tariff would raise consumer prices. But consumer prices can be made to decline steadily by combining an initially-high but steadily-declining tariff with a steadily-decreasing tariff-free quota, with the quota disappearing when the tariff reaches its equilibrium level. The mechanism is illustrated in Tables C, D, and E.

C. U.S. production during transition

35. Prorationing effects.—The level of U.S. crude production during a 1970–1972 or 1970–1973 transition period will depend upon the reaction of regulatory officials in the two main producing states, Texas and Louisiana. Those officials will largely determine the rate at which the 2 MMb/d in present U.S. excess producing capacity—over 20% of present U.S. crude output—will be drawn into production. The accompanying tables estimate that all of this producing capacity will be brought into use within 2½ years, for several reasons. First, substituting a steadily-falling tariff for the present quota will make clear to state authorities the futility of attempting to maintain prices by restricting production, which would succeed only in attracting greater imports. Second, with no incentive to keep production below the efficient rate, state regulators should be impelled to permit production in the lowest-cost manner. Third, steadily-declining prices will give U.S. producers a strong incentive to market more oil at the immediate higher price, and state authorities may well respond to united producer demands. Fourth, the Secretary of the Interior can and should free producers on offshore federal lands—where excess capacity totals about 500,000 b/d—from state production controls. Such federal decontrol—or even its imminent prospect—might well impell state authorities to relax their controls.

D. Illustrative transition outline

36. Tables and notes explained.—For purposes of illustration, Tables C and D, together with accompanying appendices and notes, outline 2-year (1970–1972) and 3-year (1970–1973) transitions to an equilibrium in which a $2.50 Gulf Coast wellhead price is achieved by a tariff system. Eastern Hemisphere crude imports pay the highest tariff. Latin American imports other than residual fuel oil (for use as fuel or for desulphurization) pay $0.10 per barrel less. Canadian imports and Latin American residual fuel oil imports pay only the existing tariffs ($0.105 and 0.0525 per barrel, respectively). Product imports from sources other than Canada would pay $0.15 more than the applicable crude tariffs. The objective is to move domestic market prices smoothly to their lower levels in all sections of the country, while imports rise very gradually to their higher level. The annually-declining tariff determines interim prices, which decline linearly in Tables C and D and as shown in Table E. An annual declining tariff-free quota in Districts I–IV allows a near-linear drop in consumer costs in Tables C and D. A separate tariff-free quota in District V prevents the price there from rising during the transition. The key transition figures are shown in Tables C, E (2-year transitions), and D (3-year transition); footnotes, additional tables, and appendices set out assumptions and calculations.

FOOTNOTES

[1] Market demand prorationing is used to restrict production beyond the degree necessary to prevent waste. State laws restricting production to the so-called "maximum efficient rate" should be distinguished from those efforts to restrain market production to what the regulators believe the market can absorb at prevailing (or higher) prices.

[2] An auction of quota tickets tends to have a similar advantage, but its beneficial effect is smaller. Under a tariff, the buyer has (1) continuous (2) virtually unlimited access to foreign supplies (3) at a government-determined tariff charge. Under a quota-auction system, however, the buyer has only (1) periodic (2) access to a fixed number of tickets (3) at a charge largely determined by the bids of integrated international rivals who might have an interest in keeping tickets out of the hands of others.

[3] It should be noted that the full transition to a $2.50 price would not occur in 1970.

[4] The relatively small size of U.S. demand for foreign oil would make price cutting unprofitable for Eastern Hemisphere producers, unless they could successfully prevent their price cuts from spreading to such larger markets as Europe. Price discrimination on such a large scale would be difficult to implement and to disguise. Of course, integrated international companies might bring in more of their own oil without affecting apparent transaction prices. But any significant changes in volume could be detected and corrected in the continuing review of the import program.

[5] It should be noted, however, that the phase-out period for special beneficiaries of the quota allocation can be longer than the phase-in for the new general price.

[6] Hearings on Governmental Intervention in the Market Mechanism—The Petroleum Industry, before the Subcommittee on Antitrust and Monopoly of the Senate Judiciary

Committee, part 1, pp. 320–21 (April 2, 1969) (statement of John H. Litchblau); Standard Oil Co. (N.J.) Submission No. 125–D at p. 4. The f.o.b. price of 34° Persian Gulf crude is taken as $1.52, including $0.22 for non-gravity quality adjustments; making the standard adjustment of $0.02 for each degree of gravity yields a price equivalent to our 30° Louisiana crude of $1.44; and we have "rounded" the price to $1.435 in order to obtain an even figure after adding the existing tariff of $0.105 per barrel.

[7] See part three, paragraph 27c.

[8] See part two, ¶ 35, the calculations are adjusted to include a $0.14 gathering charge from Louisiana wellhead to pipehead.

[9] Total 1930 production of 4.5 MMb/d is assumed to include 1.5 MMb/d from new discoveries in the Arctic and/or the offshore Atlantic areas; on the assumption that Canada limits her imports to 25% of internal demand, 1.5 MMb/d would be unavailable for export.

[10] Pipeline costs from Edmonton to New York would be approximately 50¢ per barrel with a throughput of 1.0 MMb/d or more by 1980. An Edmonton wellhead price of $2.39 (U.S.) per barrel thus equates to $3.00 in New York, including a tariff of 10.5¢, which is within 10 cents of our projected East Coast equilibrium price of $2.91. (See table 1.)

Transport costs from Prudhoe Bay to Edmonton, via the McKenzie Valley, are estimated at 45–55 cents/bbl., which implies a wellhead price on the North Slope of $1.06–$1.96 per barrel ($2.91–.50–.45/.55). The latter is close to the netback price based upon current District V prices. Since the first sections of the pipeline would carry crude both to the U.S. midwest and the East Coast, further economies of scale could be realized, and penetration of Alaskan and Arctic oil to the U.S. East Coast is virtually assured.

[11] In either event the exemption for product imports from Canada should be limited—as it is under the present overland exemption—to products derived from Canadian crude.

[12] See ¶ 23a, *infra*, for a description of possible allocation methods.

[13] Because taxes on production are subject to renegotiation via changes in the "tax reference price," Venezuela might be able to raise this price and thus recapture windfalls accruing to the companies.

[14] See Table B, *infra*, note (c); in the absence of any preference the Venezuelan share of the U.S. market is indeterminate.

[15] See Part Three, ¶ 31d.

[16] A maximum, *e.g.*, 15 percent of total U.S. demand on the amount of preferred imports from any one country might be considered. No country, including Venezuela, is likely to reach this level before 1980.

[17] The service contracts currently being negotiated in Venezuela are premised on receipt of world prices in export markets and so might have to be excluded from the preference arrangement.

[18] Steps would also have to be taken to prevent exporting countries from selling their new oil to us at premium prices while importing oil from old or other sources at world prices.

[19] See Part Three, ¶ 27c.

[20] The 10 percent figure is based on, among other things, (1) the Interior Department suggestion that this is a tolerable level for insecure imports; (2) the tolerability if necessary of up to 10 percent rationing to cover its loss, and (3) the fact that our projection of Eastern Hemisphere imports to the U.S. at a $2.50 price is slightly lower than 10 percent in 1975, and slightly higher in 1980. Of course, authority should be retained to suspend this mechanism in special cases, such as a temporary interruption of Venezuelan oil exports to the U.S.

[21] It appears that smaller "northern tier" refiners, which now use mainly Canadian crude and receive special historical allocations which they exchange, would be adequately provided for under a program permitting unlimited imports of Canadian oil upon payment of the existing (10.5¢/bbl.) tariff and allowing Canadian oil to qualify as an "input" for purposes of computing tariff-free quota allocations to be granted refiners during the transition period.

TACOMA COFFEE HOUSE INCIDENT

Mr. GOODELL. Mr. President, in 1790, when the States were considering the ratification of our Constitution, they demanded the inclusion of a Bill of Rights. The Founding Fathers knew that only through the guarantee of certain freedoms could our democracy flourish.

The two centuries which have passed since our founding have not lessened the import of those rights. Any infringement upon them undermines the very basis of our democracy.

Mr. President, it has been brought to my attention that the Department of the Army is presently undertaking steps to place certain coffee houses near military bases "off limits" for reasons which may violate first amendment guarantees.

One such incident has occurred in Tacoma, Wash, where the Armed Forces Disciplinary Control Board has initiated such action against the Shelter Half Coffee House. The stated basis for this action is that the coffee house is a "source of dissident counseling and literature and other activities inimical to the good morale, order, and discipline within the armed services." Apparently, the Disciplinary Control Board concerns itself with the disemination of ideas during the time servicemen are off duty. It is difficult to see how the free interchange of ideas during the time soldiers are off duty can interfere with the performance of their military functions.

I have therefore written to the Secretary of the Army requesting a full investigation of this matter. Mr. President, I ask unanimous consent to have the content of that letter printed in the RECORD.

There being no objection, the letter was ordered printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 22, 1970.

Hon. STANLEY R. RESOR,
Secretary of the Army, U.S. Department of the Army, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: It has been brought to my attention that the Armed Forces Disciplinary Control Board, Western Washington-Oregon Area, has initiated action to place the Shelter Half Coffee House of Tacoma, Washington, "off limits" to all personnel serving in the Armed Forces.

The Disciplinary Control Board took this action on the basis that the Coffee House was a "source of dissident counselling and literature and other activities inimical to the good morale, order, and discipline within the Armed Services." The date of January 22, 1970, has been set aside for the proprietors of the Coffee House to appear before the Disciplinary Control Board and show cause why it should not be placed "off limits."

The Board does not allege any criminal activities on the part of either servicemen or the Coffee House. It concerns itself with the dissemination of ideas during the time servicemen are off-duty. The free interchange of ideas, particularly during off-duty hours, should be guaranteed as a basic right of all Americans, whether in the military service or not. Therefore, the Disciplinary Control Board's proposed action appears to violate the First Amendment which guarantees freedom of speech, press, and assembly. These freedoms are the backbone of American democracy; they inhere to every American at birth and cannot be infringed merely because the man dons a uniform.

In May 1969 the Department of the Army issued a directive on "Guidance on Dissent." This directive explicitly points out the necessity of protecting servicemen's constitutional rights. On September 12, 1969, the Department of Defense issued a directive, "Guidelines for Handling Dissent and Protest Among Members of the Armed Forces." This directive made no mention of the necessity of protecting these constitutional rights.

Article III, Section B of the September directive states that commanders have the authority to place establishments "off limits" when the "activities taking place there . . . involve acts with a significant adverse effect on members' health, morale, and welfare." Because these latter terms are not clearly defined, nor the need for protection of servicemen's constitutional rights specifically enumerated, it appears that the interchange of ideas and opinions between servicemen and civilians is now within the discretionary powers of the local military commander.

The nebulous nature of the charges brought against the Shelter Half Coffee House appears to be a further broadening of the discretionary powers of local commanders without concomitant safeguards for servicemen's constitutional rights.

I am particularly concerned by this type of incident because it occurs in the wake of other incidents in which the military has appeared to be less than sensitive to servicemen's rights. Among these are charges of harassment of military personnel who voice dissenting views on the war in Vietnam and cruel and unusual punishment of servicemen confined to military prisons.

I therefore request that you immediately conduct a full investigation of the Shelter Half Coffee House incident.

I further urge that you immediately issue orders to all commanding officers prohibiting the placing of civilian establishments off limits merely because they constitute a place for discussion, counselling, and literature of a nature which the Army may not approve.

Very truly yours,

CHARLES E. GOODELL.

ADVISORY PANEL TO PUBLIC WORKS COMMITTEE ON ECOLOGICAL AND ENVIRONMENTAL POLICY IS FORMED

Mr. RANDOLPH. Mr. President, on January 18, 1970, I announced the formation of a panel of expert consultants to advise the Committee on Public Works on a continuing basis concerning matters bearing on ecological and environmental policy.

It was stated in the announcement that I have been cognizant, as have other members of the committee, of the need for expert and independent scientific and technical guidance on the complex problems over which we have legislative jurisdiction. For several months we have been discussing with eminent and nationally recognized scientists the feasibility of establishing an advisory panel to bring to the deliberations of the Public Works Committee the best of contemporary scientific thought in the field of ecological and environmental policy. The response from the scientific community has been universally favorable.

The growing concern among scientists concerning the degradation of our environment is being transformed into the desire for action. Our panel of consultants will provide a new, more effective and more direct channel of communication between the scientific community and the legislative processes.

The panel will advise the committee and the staff on the specific programs and policies under the jurisdiction of the committee, such as highway and related transportation problems, water resources development, and the general problems of water and air pollution and solid waste disposal. We will also seek assistance from the panel on long-term environmental problems that are not now being closely addressed by any of the committees of the Congress—such as the environmental implications of our present and future fuels policies, the climatic effects of jet aircraft, the impact on the environment of other existing and anticipated technologies, and the need for new water resources development policies in relation to population trends.

I am gratified to announce the following persons who have agreed to serve as consultants to the committee. Other experts will be added as the focus of committee activities is directed to specific areas of inquiry:

Dr. James R. Arnold, professor of chemistry and dean of sciences, University of California at San Diego.

Dr. Rolf Eliassen, professor of environmental engineering, Stanford University.

Dr. Jean H. Futrell, professor of chemistry, University of Utah.

Dr. Ralph Lapp, nuclear physicist.

Dr. Gene E. Likens, associate professor, ecology and systematics, Cornell University.

Prof. Ian McHarg, Department of Landscape Architecture and Regional Planning, University of Pennsylvania.

Dr. Charles L. Schultz, Brookings Institution and former Director of the Bureau of the Budget.

Dr. Ernest Tsivoglou, Department of Sanitary Engineering, Georgia Institute of Technology.

Dr. Kenneth Watt, professor of zoology, systems of ecology, University of California.

Dr. G. M. Woodwell, ecologist, Brookhaven National Laboratory.

Dr. Joseph L. Sax, professor of law, University of Michigan.

Dr. Robert R. Curry, petroleum geologist, University of Montana.

The Committee on Public Works has had broad jurisdiction in environmental matters, by law and precedent, for many years. The committee has primary jurisdiction over water pollution under the Legislative Reorganization Act of 1946.

In 1963, we established the Special Subcommittee on Air and Water Pollution, which became a standing subcommittee in 1965. Since the establishment of this subcommittee, the Committee on Public Works has authored all the major water pollution, air pollution, and solid waste disposal legislation. In addition, we have in the past 6 years included our concern for environmental quality in our highway legislation, in legislation authorizing major water resources development programs, and in our regional economic development programs.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORGANIZED CRIME CONTROL ACT OF 1969

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 30) relating to the control of organized crime in the United States.

Mr. THURMOND. Mr. President, the problem of crime in American society has reached crisis proportions. Those of us who live in the Nation's Capital are very familiar with the climate of fear created by criminal activities. Fear for one's bodily safety and for the security of one's home and property has become a standard condition for living in Washington and in most other major American cities.

Citizen reaction to the growth of criminal activity throughout our Nation was in part responsible for the election of President Nixon. As President he has sent to the Congress a package of legislation designed to reverse the crime rate throughout the country and here in Washington. Hearings have been held and the Subcommittee on Criminal Laws and Procedures and the full Judiciary Committee have acted favorably on the bill now before us known as the Organized Crime Control Act of 1969. I believe it is time for this body to recognize the importance of this problem by passing this legislation which will create additional weapons for the President's arsenal in the war against crime.

Mr. President, when most of us think of organized crime, we immediately think in terms of illegal gambling and other forms of vice. We should remember, however, that the growth of organized crime has contributed greatly to crime in the streets. The high incidence of armed robbery of both businesses and individuals and the increasing rate of breaking and entering into private homes can be traced to the increase in narcotic addiction. Dope addicts have to steal to support their habits. They must either steal cash or goods which can be "fenced" for cash. Organized crime is instrumental in the illegal narcotics trade and also in the fencing of stolen goods. Thus we can see that if organized crime is successfully attacked, a decrease in street crime which affects all citizens would also occur.

The calculated growth of crime and particularly organized crime through various activities such as gambling, loan sharking, narcotics and other forms of vice has numerous causes, but chief among them has been the U.S. Supreme Court, which has tied the hands of law-enforcement officers by creating unrealistic procedures that work to the advantage of organized crime.

Mr. President, part of the crime problem we face in this country comes from an insidious and invisible empire designated by various names, the best known of which are the Mafia and the Cosa Nostra. It is because of various Supreme Court opinions that have been handed down and the runaway crime rate that we are now considering S. 30, which contains provisions designed to obtain convictions of criminals. Let us not, like the Supreme Court, create loopholes through which criminal can walk, by narrow and unrealistic technical and procedural considerations.

The crime situation has changed since I was a circuit judge, and I feel that the language of this bill is now mandatory. There is sound legal argument to support each and every provision of this legislation. It was hammered out in the subcommittee, and carefully considered by the full committee, after several productive meetings in which members of the committee gave their best effort to developing the most effective legislation possible within constitutional boundaries.

Mr. President, I shall briefly review the bill. Under title I, special grand juries to concentrate on criminal activities are provided for in major metropolitan areas. These grand juries will be empowered to stay in session up to 36 months, can subpena witnesses, compel testimony and issue public reports as well as bring indictments. Under title II, provisions are contained in the bill for expanding the granting of immunity from self incrimination in legislative and court proceedings in order to make better use of witnesses in criminal proceedings. Under these provisions, immunity from the use of testimony itself, rather than from prosecution itself is afforded. This will facilitate compelling witnesses to testify, as this immunity will prevent the use of the fifth amendment. Title III provides for contempt proceedings without bail for recalcitrant witnesses in grand jury and court proceedings. Title III also makes witnesses who avoid State proceedings subject to Federal prosecution. This, in conjunction with the previous title concerning immunity, will help prosecutors in obtaining convictions where they have been in the past hampered because they were unable to secure testimony. Title IV makes it easier to convict witnesses of perjury. Title V provides that the U.S. Attorney General can maintain witnesses and their families under Federal protection when they testify in matters involving organized crime. Title VI provides for the taking of depositions of witnesses in criminal cases in order to preserve their testimony in the event they are unable to testify. Title V and title VI should be most beneficial in aiding Federal prosecutors in securing the testimony of witnesses against people involved in organized crime. The present difficulties in gathering evidence have been a substantial impediment to the effective prosecution of criminals involved in organized crime.

Mr. President, title VII of the bill deals with litigation concerning evidence. This is a difficult and complicated subject. The

most common situation which will be covered by this particuar provision would be a criminal trial in which a defendant tries to delay the trial by getting into extensive and entangled litigation on questions regarding admissibility of evidence. This provision creates a type of statute of limitation so that, as to a crime occurring 5 years after the event, a criminal can no longer raise questions related to illegally obtained evidence in prior prosections.

We must remember that defendants who are part of organized crime have the funds with which to secure the services of experienced criminal lawyers who are experts in the use of technical and procedural arguments to secure the release of their clients. This is a complicated device, but it is one which is necessary in order to meet the requirements of modern-day criminal jurisprudence.

Mr. President, a significant portion of this legislation deals with syndicated gambling, and provisions are contained in the bill designed to severely curb and limit the activities of gamblers, and thus remove a major source of income from organized criminals. One such provision would allow both State and Federal law enforcement agencies to use evidence obtained by means of electronic devices in gambling prosecutions.

In this day and time, racketeers are very much interested in gaining inroads into legitimate business in order to set up "fronts" for their illegal operations. The committee has come up with a provision, designated as title IX of S. 30, which makes it possible to ferret out and expose such activities of criminals and their influence in supposedly legitimate businesses through the use of antitrust devices. This is an important provision of this legislation which will go a long way toward eliminating an avenue whereby the criminal element has disposed of its ill-gotten gains through legitimate business.

Mr. President, one of the favorite devices of organized crime is to infiltrate a company, build it up, and then let it go broke so that it can take advantage of certain tax provisions and other devices thus disposing of or protecting a large treasury of illegally obtained dollars. This provision will help in curbing this activity.

There are some in this country who make a profession of being criminals and they are very difficult to deal with. Putting them in prison for a short period of time does not do much good. First, it does not take them out of circulation permanently; second, they are hardened criminals and do not intend to be rehabilitated. The special offenders provision in this legislation provides for a special sentencing of dangerous repeat offenders. It would allow the removal of professional criminals from the American environment.

Mr. President, these provisions are new and unique approaches to combat organized crime. These ideas are the products of fine legal minds in the Department of Justice; they have also been approved by those of us on the Judiciary Committee and on the subcommittee who have practiced law and are familiar with the problems of law enforcement and the problems of criminal activities.

Mr. President, people across this Nation are crying out for the Congress to act on the problems of organized crime, for the Congress to assume its repsonsibility and provide the tools whereby these insidious criminals may be brought to justice, before their power inreases even more. Much of the growth of organized crime and violence can be directly linked to the growth and magnitude of the criminal organization known as the Mafia or Cosa Nostra. This legislation provides an effective way to destroy their legitimate business fronts, expose their leaders and commit them to prison for their crimes.

Mr. President, undoubtedly there are those among us who will urge that various amendments be adopted to this bill. The cause of civil liberties will be advanced as a reason for weakening the bill. I urge my colleagues to reject attempts to weaken this bill. Experience has shown that defendants connected with organized crime have a much greater acquittal rate than other defendants. Much of this has been related to the difficulty of collecting and admitting evidence in these cases. The Mafia, or Cosa Nostra, is organized on the principle of protecting the leaders from criminal prosecution. Extensive attempts to fix cases through bribery and intimidating witnesses, jurors, and even judges have been uncovered. At present, we are losing the war against organized crime. Law enforcement personnel on both the Federal and State levels must have sufficient weapons if they are to prosecute these criminals effectively. I urge that the Organized Crime Control Act of 1969 be promptly passed and that all amendments which would weaken this legislation be defeated.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Michigan (Mr. HART) on behalf of himself and the Senator from Massachusetts (Mr. KENNEDY).

Mr. HART. Mr. President, when we concluded last night both the Senator from Massachusetts (Mr. KENNEDY) and I, as offerers of the amendment, and the able Senator from Arkansas (Mr. MCCLELLAN), as manager of the bill, had brief comments with respect to it.

I think the subject matter, while of very great importance, is not difficult of understanding. Nor would it require any further lengthy explanation beyond the outline that I shall offer in a moment.

I make this comment conscious that what attaches may provoke inquiries as to when we may anticipate a vote. In this Chamber, we realize fully that none of us can make a judgment with respect to time. But I would not anticipate that more than an hour would intervene before a vote, and indeed it may be substantially less.

Mr. President, the Supreme Court, in 1969, handed down a decision captioned, "Alderman against the United States."

The committee bill in the title which we seek to strike by our amendment would have the effect of overruling that decision. The committee report argues that the Alderman case was not a constitutionally based decision, that it was a decision based solely on the power of the U.S. Supreme Court to regulate the procedures of the Federal court system. If that is true, the committee's report argues, then Congress is free to overrule a procedural direction.

It is my feeling, and the feeling of those of us who offer an amendment, that the Alderman case was clearly based on a constitutional right. If this is true, we in Congress are in no position to undertake to repeal a constitutional right by legislative action.

But beyond that, it seems to those of us who offer the amendment that the Alderman decision was a wise decision and a sound resolution of the question. Thus, even assuming that we have the power, we ought not to set Alderman aside.

In the Alderman case, the Court held that when the Government tries a defendant whom it has illegally wiretapped, it is required to turn over to the defendant the tapes of the conversations illegally heard. And the reason for the ruling, the Court makes very clear.

As we all understand, the fourth amendment prohibits the Government from the use of any evidence obtained as a result of the exploitation of its illegal conduct—in this case, the illegal wiretap.

It is not always easy to determine, however, whether a certain piece of evidence which is presented in the trial was derived ultimately from that illegal tap. Often the trial judge will be unable to make this determination because he is not familiar with the facts of the case. He may regard as irrelevant an illegally overheard conversation which, in fact, would provide the Government with crucial evidence against the defendant. Who is the person best able to examine the illegal taps and determine the likelihood that any Government evidence was the result of leads from the illegal conduct of the Government? The defendant and his lawyer.

So in this case the Supreme Court concluded that all of the tapes of illegally overheard conversations must be turned over to the defendant and his counsel who are entitled to a full adversary hearing on the admissibility of any challenged evidence. Bear in mind the setting, not alone in the Alderman case, but in comparable situations. A criminal indictment or a criminal trial is involved. At some stage the defense discovers, or to their credit the Department of Justice acknowledges, that the Department of Justice has illegally tapped the defendant. The question, then, is raised, Is any of the evidence that is being presented or was presented the

fruit of the illegal conduct? To determine this one must go to the whatever memorandums or minutes exist, that reflect those items which were picked up in the course of the illegal conduct, or the log of the tape in a case such as confronted the court in Alderman.

But who is best qualified, looking at that log, to sense what items are relevant to a claim that inadmissible evidence is being presented in the criminal case? Initially, in the Alderman case, the Department of Justice itself said:

> Leave it up to us; we will turn over to the defendant those items of the log, if any, which may be relevant.

Later the inconsistency and the weakness of that position became very clear. The Department said:

> We will turn over the log to the court in camera. The court will decide that which may be relevant; that which may be relevant will then be turned over to the defendant.

The Department of Justice, given all good intention and motive, is not the most reliable source to identify those items and elements which might protect against a conviction springing from the fruit of illegal conduct, nor is the court, and certainly not in advance of the completion of the trial. Even then, the court in camera, without argument, is not in as good a position to protect against a fourth amendment deprivation of the defendant as the defendant and his counsel.

The majority of the Supreme Court in the Alderman case said as much. The opinion in that case was written by Mr. Justice White, whose background, as all of us know, includes service as Deputy Attorney General in a period when that Department really first initiated the war against organized crime. Certainly, the judgment was made against a background which includes a full understanding of the burdens and the difficulties under which law enforcement agencies must operate. Nonetheless, in his judgment and in the judgment of the Court, the fourth amendment required that there be made available to the defendant and his counsel the logs, the direct fruit of the illegal activity, in order that other illegal fruit might be identified, and the defendant be in an effective position to argue in connection therewith.

The court recognized the illegal taps might contain information damaging to the parties or even to the national security. The court pointed out, of course, that there could be obtained from the court an order requiring that such information be kept secret and if it was not kept secret there could be a contempt of court citation.

Title VII of the bill takes an altogether different approach. It states that "disclosure of any illegal evidence shall not be required unless such information may be relevant to a pending claim of such inadmissibility and such disclosure is in the interest of justice." But there is no way to determine whether illegal evidence may be relevant to a claim of inadmissibility except by turning it over to the defendant and allowing him to argue its relevancy.

Further, under the bill before us, in this title, even potentially relevant information need not be disclosed if the disclosure is not in the interest of justice. That is a rather vague and sweeping cloak, and behind this vague standard the Government could refuse to reveal its illegal conduct and could deny the defendant his right to trial untainted by unconstitutionally obtained evidence.

Further, Mr. President, although not mentioned in our preliminary discussion of last night, there is another feature that those of us who sponsor the amendment find objectionable in title VII. The bill provides that if the illegal conduct with respect to the obtaining of evidence occurred 5 years prior to the event, the fact of the illegality shall have no effect on the conduct of the case nor the rights of the defendant. There can be no presumption that illegally obtained evidence will not be used to prove events 5 years later. This is true particularly in organized crime where long-term activity and relationships are being explored. Parenthetically, the title to which we direct this criticism in the form of our amendment is not limited to organized crime cases.

Last, Mr. President, those of us offering the amendment realize the necessity of assuring that the disclosure of illegally obtained evidence is made only to the defendant for the purposes of contesting the admissibility of the evidence at the trial.

All of us, I think, were surprised, and after pause most of us were shocked, at the recent wholesale disclosure of wiretap information made in connection with a case in New Jersey.

We have, therefore, added language in the amendment which would expressly limit disclosure to those occasions when it is required for trial purposes.

Mr. President, the significance of the Alderman case is not to be measured by the amount of the news column coverage that was given it. It is of enormous significance to any defendant who discovers that he has been subjected to illegal search or wiretapping or bugging by the Department of Justice. Once that discovery is made, once that action is acknowledged to have been taken by the Department, it is of enormous importance, if the fourth amendment protection is to be significant, that there be available to that defendant and his counsel the fruit of the illegal action, in the case of the tap, the log. Only then can we assure that the defendant has the opportunity to demonstrate that one or more items of evidence presented against him sprang from and can be traced to the illegal conduct of the Department.

To do less, in our judgment, is to deny that defendant, who may or may not be a "nice" or popular fellow, the right that all of us, including the most popular, are entitled to.

It is for that purpose, Mr. President, that the Senator from Massachusetts (Mr. KENNEDY) and I have proposed the amendment.

Mr. HRUSKA. Mr. President, the proposed amendment which we are now considering seeks to delete title VII of the bill. That title is entitled "Litigation Concerning Sources of Evidence." While it will and is intended to cover general situations, it will apply most particularly to situations involving the product of electronic surveillance.

Title VII, put in its simplest terms, will do two things affecting hearings on admissibility of evidence. First, it will free the courts from the burden of hearing certain tenuous and stale claims which are customarily filed only for the purposes of delay; and, second, in other cases, it will prevent unnecessary harm to the rights and reputations of third parties and to the interest of national security.

It will accomplish the first of these by providing that if the questioned information was procured more than 5 years before the offense was even committed, no consideration should be given to an allegation that such information led to the evidence of the offense committed over 5 years later.

It will accomplish the second of these objectives by directing that, before the Government files containing unlawfully obtained information are turned over to a defendant, the judge must determine that the information contained in those files may be "relevant" to the case and that disclosure is "in the interest of justice."

That is the purpose of title VII; and it is the purpose of the amendment to strike those provisions.

Under present case law—and particularly as made more definite and clear in the Alderman decision—two things must happen before files are turned over to the defendant for scrutiny to determine the admissibility of evidence. First of all, there must be a showing that the defendant has a standing to claim such a disclosure. Second, it must be proved by the defendant that it was as an illegal act on the part of the Government that the electronic surveillance was either installed or used and that the transcripts and logs which resulted from that electronic surveillance are, as a result, illegal.

As these two requirements are shown, as I understand it, the Government must turn over all files recording that particular electronic surveillance. It must turn over to the defendants, for the defendants to scan for any causal relationship of any of the evidence which may or which will be used against the defendant at the trial in question.

It is at that point that the real mischief of the present case law asserts itself, because the defendant's counsel at that point gets voluminous logs and transcripts which he can study and scan. As a result of his desire to study and scan, he can secure continuances that are inordinately long. He can, in preliminary proceedings and before the trial on the merits starts, call witnesses by the dozen, and perhaps by the score, in order to have testimony and evidence adduced to try to impeach the logs and the transcripts on the ground that they were illegally obtained and that they in some way relate to the evidence which will be used in the trial.

This takes a long time, Mr. President. If anyone wants a classic example of the results of this kind of rule, he can study the case of Jimmy Hoffa and his

prosecutions, which lasted over several years even after they had the trial on the merits. This was one of the tactics that were resorted to.

Mr. President, we have come to a point in this respect, as we have in others, where it is right and proper to protect the constitutional rights of the accused. We have reached a point where we must assure two things: One, that he will not abuse the procedures which are resorted to in order to assure him of his constitutional rights; and the second matter we ought to consider is that the interests of justice, public safety, and the public interest also have a standing under the Constitution and that those constitutional rights should be protected and given some concern.

That is what title VII is designed to do, and it would do it.

Then we come to this question: In title VII, or in anything that would replace title VII, what tests will the judge impose to determine that the defendant should be able to get the logs or the transcripts of electronic surveillance?

Under the Alderman rule, the defendant gets everything. He gets everything, regardless of the time element, and regardless of the relevance.

Title VII proposes that there will be two tests applied by the court in determining whether the logs should be furnished to the defendant. The first of those tests is that the judge looks at the time when the electronic surveillances, for example, were made. If that time shows more than a 5-year interval between the making of the electronic surveillance and the event which the evidence about to be used against the defendant concerns, then automatically the judge says, "It can have no relevance; it is excluded."

That is a good rule. It is a constitutional rule. It is an orderly rule. It is a rule that can be applied by statute and by the courts in all of those instances which enable the courts to supervise the rules under which evidence may be admitted or not admitted. Otherwise, there would be no order; there would be no dispatch; there would be no possibility of attaining justice or trying cases with any degree of effectiveness.

So first of all the judge looks at the bug and finds out from the transcript or the log whether the electronic surveillance occurred more than 5 years before the event the evidence about to be used relates to. If it did, the motion is out. That would have removed, in the Jimmy Hoffa case, years of subsequent delay that were actually experienced, and it would do the same thing in a great many cases.

The second thing the judge does at that point, under title VII, if the period is less than 5 years, is this: He scans the transcripts, the logs the evidence procured by electronic surveillance, and makes a decision as to the relevance of the contents and substance thereof to the evidence which is actually offered and will be used in the trial against the defendant. If he decides there is no relevance, he so rules. He then takes the logs or transcripts, seals them up, and preserves them for purposes of use on appeal if an appeal is taken.

Then he turns to the prosecution and to the defense and says, "Gentlemen, let us start the trial on the merits," and they proceed to that task. If there is no conviction, Mr. President, the issue is dead and years of time are saved. If there is a conviction, the ruling of the trial judge as to the irrelevance of that transcript or that log then becomes one of the points on appeal to which the defense can resort if they choose. A decision is made by the appellate court on that point, together with any other points of appeal that the defense wants to raise.

That is a simple way of putting it. There are no constitutional questions or limitations which will bar the enactment of title VII and permit it to be put into application. In that connection, I shall submit some reasons a bit later. But I think we ought to make clear what title VII does not do, Mr. President.

Title VII does not alter, negate, or weaken in any manner existing fourth amendment protection, nor does it in any way affect the use of the exclusionary rule as a tool to guarantee those protections. If the Government has unlawfully obtained evidence which is reasonably connected with the issues at hand, a court remains obligated to preclude its admission.

Title VII, furthermore, does not overrule or modify a constitutional mandate of the Supreme Court. It is true that it does modify the procedural practices set forth in the Supreme Court's opinion in Alderman against the United States. However, the Alderman ruling was not predicated upon constitutional grounds, but upon the Court's supervisory powers. This fact is emphasized by language in that opinion indicating that the Court viewed its ruling as a balanced exercise of judicial discretion, rather than the pronouncement of a constitutional mandate.

Mr. KENNEDY. Mr. President, will the Senator yield at that point?

Mr. HRUSKA. I am happy to yield.

Mr. KENNEDY. I, too, noticed, that the committee report at page 69 states as the distinguished Senator from Nebraska has pointed out that the Alderman decision was an exercise of the Supreme Court's jurisdiction over the lower Federal courts, and not a constitutional interpretation.

Is there any express language in the Alderman case that the distinguished Senator from Nebraska or the manager of the bill can find which would indicate that this is only supervisory, and does not reach the fundamental law of the land? It is my belief that when the Supreme Court acts under its supervisory power, as in the Mallory case, it expressly says so.

Mr. HRUSKA. The burden is the other way, Mr. President. The burden is for those who claim that the decision has a constitutional basis to point to language that says so in the opinion.

As Senator McCLELLAN pointed out last night, it is a well-established rule in the courts—and it is a rule that has been followed by the Supreme Court notwithstanding its many other variations, and perhaps what we might, for want of a better term at the moment, call transgressions—that they will avoid a pronouncement on a statute as to its constitutionality if they possibly can, and they will decide the issue on nonconstitutional grounds.

If it is a procedural question which is within their powers or basis of supervision, or anything else, as was the case in Alderman, they will not do so. If they find they cannot do that, and must resort to the Constitution to determine its constitutionality, then they do it; but then there is express language in the decision to indicate that, and to brand it as a constitutional interpretation.

So the burden is the other way. We have no burden to show that there is not constitutional language there. The burden is on the other side to show that there is, and that it is decided on constitutional grounds.

Mr. KENNEDY. Mr. President, just because this report states or the distinguished Senator from Nebraska says that this is a supervisory power decision does not establish that fact. As a matter of fact, I think the whole thrust of the Alderman case would indicate quite clearly the contrary.

Let me ask the distinguished Senator from Nebraska, does he feel that Alderman would have been a different decision had it been a State court case?

Mr. HRUSKA. I did not catch the Senator's question.

Mr. KENNEDY. Does the Senator believe that the Alderman case would have been decided as it was if these issues had been raised in a State court?

Mr. HRUSKA. Heavens, I would not want to undertake to engage in an exercise in metaphysics. We are confronted here with the Alderman case.

Mr. KENNEDY. That is right.

Mr. HRUSKA. If it is the Senator's purpose to engage in an abstract discussion of what might happen under a lot of conjectural situations in a lot of State courts, I do not think this is the place to engage in that.

Mr. KENNEDY. I think the Senator from Nebraska quite clearly overlooks the significance of that question, since if Alderman would have been decided the same way even if it were a State court case, then clearly the decision was a constitutional one.

I point out to my colleague that two of the companion cases to Alderman involved national security issues. Now it seems clear to me that if the Supreme Court required full disclosure in those cases, which it did, it obviously meant that full disclosure was constitutionally required in all cases. It is inconceivable to me that the Supreme Court would impose a more stringent disclosure requirement on a Federal court in a national security case than it would impose on a State court in a routine criminal case. It was for that reason that I was trying to elicit some kind of response from the Senator from Nebraska.

Mr. HRUSKA. Mr. President, it had not been my intention to discuss the constitutionality of this question and the nature of the Alderman case in my argument. However, in view of the fact that the Senator from Massachusetts has raised the point, I shall now engage in that little exercise.

Mr. President, let me report what Sena-

tor McCLELLAN said last night, that it is well within the power of Congress to enact proposed section 3504(a)(2) of title VII. Paragraph (2) would overrule the Supreme Court's decision in *Alderman* v. *United States*, 394 U.S. 165 (1969), which held that Government records of any illegal electronic surveillance which a criminal defendant has standing to challenge must be given to him without a preliminary judicial determination that they have possible relevance to his case.

The reason why Congress can reverse the rule laid down by the Alderman case is that that decision was not an interpretation of the Constitution, but an exercise of the Court's power to supervise the administration of Federal criminal justice.

That power was described by Mr. Justice Frankfurter for the Court in *McNabb* v. *United States*, 318 U.S. 332, 340 (1943), in these terms:

> [T]he scope of our reviewing power over convictions brought here from the federal courts is not confined to ascertainment of Constitutional validity. Judicial supervision of the administration of criminal justice in the federal courts implies the duty of establishing and maintaining civilized standards of procedure and evidence.

It is a basic rule of practice of the Supreme Court to place its decisions upon nonconstitutional grounds, such as statutory interpretation or the supervisory power, whenever doing so permits avoidance of a constitutional issue. See, for example, *Peters* v. *Hobby*, 349 U.S. 331 (1955). It must be presumed, therefore, that the Court followed this practice in the Alderman case unless the contrary can be affirmatively shown and that affirmative showing is not to be made by those who contend as this Senator does. It is to be made by those who seek to dispute the position we have taken.

In its statement of the holding of the case, the Court declared that "we conclude that surveillance records as to which any petitioner has standing to object should be turned over to him without being screened in camera by the trial judge." *Alderman* v. *United States, supra* at 182. Nowhere did the Court explicitly say that this practice was mandated by the fourth amendment. Instead, the Court merely ruled that this practice would "substantially reduce" the incidence of error by guarding against the "possibility that a trial judge acting in camera would be "unable to provide the scrutiny which the fourth amendment exclusionary rule demands." 394 U.S. at 184. In short, the fourth amendment guarantees freedom from unreasonable searches and seizures, and this freedom must be enforced by the suppression sanction, but the disclosure rule implementing that sanction is not constitutional doctrine, as it is well settled that the details of implementation of constitutional guarantees often lie below the threshold of constitutional concern. See *Ker* v. *California*, 374 U.S. 23, 34 (1963). The significance of the use of the word "should" in the Alderman holding is emphasized by the Court's later concession that its decision "is a matter of judgment" on which "[its] view" was that in camera inspection by the trial court is inadequate. 394 U.S. at 182. Indeed, the Court expressly based its decision in part upon its desire to "avoid an exorbitant expenditure of judicial time and energy," 394 U.S. at 184, a consideration most appropriate in the exercise of the supervisory jurisdiction. Thus, the Court's language indicates that the ruling was supervisory. Nothing in it may be used to make the necessary affirmative showing that the Court was reaching out needlessly to decide a constitutional issue.

> A supervisory decision by the Supreme Court is subject to change or overruling by the Congress. Exactly such a course was followed when Congress enacted the Jencks Act, 18 U.S.C. § 3500 (1958), modifying the Supreme Court's decision in *Jencks* v. *United States*, 353 U.S. 657 (1957). Thus Congress is equally free to enact title VIII of S. 30 despite the Supreme Court's supervisory decisions in the Alderman case.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HRUSKA. Not at this point. I should like to complete my statement, and then, if the Senator has any further questions, I will be glad to oblige.

To continue my discussion of what title VII does not do:

Mr. President, I would like to attempt to clear up some of the misunderstanding concerning title VII of the proposed bill.

Title VII, put in its simplest terms, will do two things affecting hearings on the admissibility of evidence—first, it will free the courts from the burden of hearing certain baseless and stale claims which are customarily filed only for purposes of delay, and second, in other cases it will prevent unnecessary harm to the lives and reputations of third parties and to the interests of national security. It will accomplish the first of these by providing that if the event, evidence of which is offered, occurred more than 5 years after the alleged illegality, no consideration shall be given an allegation that such evidence was the fruit of the poisonous tree. It will accomplish the second of these by directing that before government files containing unlawfully obtained information are turned over to a defendant, the judge must determine that the information contained in those files "may be relevant" to the case and that disclosure "is in the interest of justice."

A careful study of these provisions should make clear what title VII does not do. Title VII does not alter, negate, or in any manner weaken existing fourth amendment protections. Nor does it in any way affect the use of the exclusionary rule as a tool to guarantee those protections. If the Government has unlawfully obtained primary evidence, a court remains obligated to preclude its admission.

Title VII does not overrule or modify a constitutional mandate of the Supreme Court. It is true that it does modify the procedural practices set forth by the Court in Alderman against United States. However, the Alderman ruling was not predicated upon constitutional grounds, but upon the Court's supervisory powers. This fact is emphasized by language in that opinion indicating that the Court viewed its ruling as a balanced exercise of judicial discretion rather than the pronouncement of a constitutional mandate.

The provision does not deny defendants the right to assure that unlawfully obtained evidence and the fruits thereof will not be used against them. Rather, it provides that in certain, carefully defined situations where there is no reasonable possibility that unlawfully obtained evidence, or its fruits, will be used against them, they will not be allowed to rummage through Government files looking for whatever might prove useful to them not only in the pending action but in any number of unrelated undertakings. That kind of rummaging around has been the source of a great deal of grievous trouble not only to the Government but also to innocent parties, and in connection with the disappearance of evidence and the obstruction of witnesses and the intimidation of witnesses and a host of other things.

In the past, claims concerning these situations have seldom resulted in a determination that the unlawfully obtained information led to evidence of the later-committed offense. Such claims appear to be made only for purposes of delay. It makes no sense to require the courts to continue to permit protracted hearings on these stale, inevitably fruitless allegations, when the criminal dockets are so severely crowded and other defendants are waiting for hearings on often-legitimate claims. And, in the absence of remedial legislation such as title VII, such baseless allegations can be expected to be raised even more often as a result of the pre-1965 electronic surveillances of organized crime figures by Federal agents at a time when no warrant procedure was available. Absent title VII, a Cosa Nostra member charged with murder in 1980 will be free to demand an extended hearing concerning the monitoring of his telephone conversation in 1960—all on the prepostrous premise that it was through the 1960 monitoring that the Government obtained the evidence of his 1980 crime. Title VII would not prevent such a defendant from successfully objecting to the use in evidence of the monitored conversation itself—but it would prevent him from obtaining hearings on fanciful allegations that such monitoring led the Government to the 1980 murder.

In short, the time limitation imposed by title VII will alleviate needless and fruitless wastes of judicial time and money without in any realistic way affecting the rights of the accused.

As to the other principal provision of title VII—the provision that the judge, before turning over to a defendant any Government files containing unlawfully obtained information, must first find that the information "may be relevant" to the case and that the *disclosure* is "in the interest of justice"—I believe that this provision reflects a reasoned balance between the conflicting interests and that it gives to the courts a set of flexible methods of accommodating these interests.

Under current case law, a defendant is automatically granted access to any unlawfully obtained Government information remotely concerning him regardless of whether it has anything to do with

the case, regardless of whether it will endanger the lives or reputations of third parties, and regardless of whether it will endanger the security of the Nation. The only alternative to handing a defendant such information very often is for the Government to drop the case. In a minor prosecution, the case can easily be dropped rather than accede to the consequences of the alternative.

But, Mr. President, the bill is calculated to get after organized crime, the biggest business in the Nation, next to formal Government itself. It will not be easy, after spending a long time rounding up evidence from large geographical areas, evidence pertaining to a number of transactions by a lot of ruthless and power- and money-thirsty people who are engaged in that segment of crime—it will not be easy, if they are excluded, to try the alternative of dropping such a case in the event just described.

In a major organized crime prosecution the Government's responsibility to the public creates a severe dilemma. There is simply too much at stake for the Court to claim inconvenience as a basis for denying its duty to mitigate unnecessary damage to the legitimate interest of the Government and innocent third parties.

In a Utopian society, provisions such as title VII would be unnecessary. The Government could turn over its file and rely upon the good faith of the opposing party not to make known information which jeopardizes the national security, the lives of Government informers and potential witnesses, or the reputation of innocent citizens.

Unfortunately, recent history has made it abundantly clear that reliance on good faith—and even on protective orders of the court—is insufficient. For instance, on May 30, 1969, Life magazine published transcripts of Mafia conversations overheard in 1961 which made unflattering references to two Chicago aldermen, three unnamed judges, and two well-known entertainers. None of these individuals was involved in the conversations. None were necessarily involved in any wrongdoing. But, only 3 weeks after the transcripts had been disclosed in court under a protective order that they not be revealed, these individuals had become a common topic of household conversation. In another instance, national security information dealing with the gathering of foreign intelligence was published in a December 2, 1966, Washington Post newspaper article in spite of a protective order of the U.S. District Court for the District of Columbia.

A more recent incident involving a reputed New Jersey Mafia leader, Angelo DeCarlo, underlines the unnecessary damage which can be done by public disclosure of transcripts of conversations unlawfully monitored at a time when no warrant procedure was available. Dozens of individuals who are neither under indictment nor the subject of a criminal investigation were mentioned in the transcripts which became public knowledge as an indirect result of the requirement that eavesdropping evidence be made available to the defense. In the words of the New York Times editorial of January 8, 1970:

> Now that their names have come out as part of an unsworn record, with no warning and no opportunity for examination and reply, they are suddenly on the defensive and called upon to offer denials outside of court in response to illegally obtained conversations.

Unsubstantiated stories of the sex life of an uninvolved third party were thrown to the public winds in the Cassius Clay case. The district judge, finding that the protective order hindered a public hearing on the relevance of the transcripts, dissolved the order and opened the transcripts to public view. This occurred even though the district judge later stated that he could reliably have made the relevant legal determination of relevancy by an in camera inspection of the transcripts.

Editorial stands by the New York Times on January 8, 1970, and the Wall Street Journal on January 14, 1970, indicate the strong public resentment for the present plight of innocent individuals caught in the webs spun through efforts to comply with the procedures established in Alderman. It is time for legislative action.

It should be clearly understood that the Government's interest in behalf of its witnesses, innocent third parties, and the national security exists in all disclosure situations. However, the protective provisions of title VII will come into play only when there is no realistic danger of infringing upon the rights of an accused. The provisions reflect the fact that in this country the public interest must not be used to abridge the fundamental requirements of our system of criminal justice—and they have been far too often, and they will continue to be, unless title VII is enacted. We must accept the fact that on occasion innocent persons may suffer; we must accept the fact that on occasion national security may be compromised; we must accept the fact that on occasion the lives of Government informers and witnesses may be endangered—all in order to insure a defendant's constitutional rights. But there is no Member of this Senate who could reasonably ask that all these interests should be routinely sacrificed, even when there is no chance of compromising the constitutional rights of the accused. Title VII would prevent this from happening.

I urge that we take immediate favorable action on this much-needed legislation.

For anyone to undertake to defend a position that will enable the continuance of a type of operation that was presented by those years of delay in the Jimmy Hoffa case, even after there was a trial on the merits, is a position that is most difficult to understand—most difficult, when there is rhetoric, there is literature, there is thinking, and there is conviction the Nation over that we are grappling to find the right procedures in our battle for survival in the fight against crime.

This is a tool which is badly needed. It is a tool which the public needs. It is a tool which the prosecution needs. It is a tool that those in favor of fair prosecution in the war against crime are entitled to have. We should have it.

The amendment should be turned down by a resounding majority because it is not good. It is not good from any of the considerations which I have mentioned.

Mr. President, I yield the floor.

Mr. HART. The Senator stressed the point that no Member of the Senate would want to compromise away any constitutional rights of a defendant, no matter how offensive the character of the defendant, but he wants to insure that defendants do not abuse procedural devices.

He cites the long delay in the Hoffa case. I am sure he can cite——

Mr. HRUSKA. There are many. There are several score of them. It is now almost a daily routine.

Mr. HART. There would not be any need for that delay if the Government would stop illegal use of taps. That is the hard truth about that.

The delay arose from efforts on the part of defendants against illegal conduct by the Government. If the Government would stop engaging in illegal conduct we would not have that problem. If they do not stop, I suppose, popular or unpopular, the defendant has the right to seek redress of grievances.

But, what right have we to fix a 5-year statute of limitations on the fourth amendment? That is exactly what the 5-year business does, as I read it.

The Senator says no Member wants to impinge or trim back on anyone's constitutional rights, but this title says if something occurred 5 years ago or more that is illegal under the fourth amendment, forget it.

Mr. HRUSKA. Well, Mr. President, the Senator from Michigan is a tried and experienced man in the field——

Mr. HART. Am I right or wrong about that?

Mr. HRUSKA. He has been district attorney in his district for the United States of America and he is one of the better members, including myself, on the Judiciary Committee, and he knows jurisprudence well and procedures well; but he is completely wrong when he says——

Mr. HART. How am I wrong? I am not very smart so perhaps the Senator would explain to me——

Mr. HRUSKA. I shall be glad to do so, if the Senator would not interrupt me and give me a few moments to explain the statement. [Laughter.]

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senate will be in order. The Chair would remind visitors in the galleries that they are guests of the Senate and must remain silent.

The Senator from Nebraska may proceed.

Mr. HRUSKA. As I understand the position of the Senator from Michigan on this 5-year limitation under the fourth amendment, there is no such thing. Electronic surveillance that is engaged in by the Government, in that situation, can be attacked to show primary illegality any time there is a failure to comply with the provisions of the electronics surveillance statute which Congress

wisely enacted a couple of years ago. When there is a failure to comply with it, that failure can be attacked, if it is successfully established as being a failure. When the whole thing goes out—it all goes out. So there is no question about any suspension or denial of the fourth amendment after 5 years. It is not involved at all.

There are many instances where we may make rules of evidence under our supervision over rules of evidence. They are on the statute books now. But, for some strange reason which I cannot fathom, efforts are being made when there is an attempt to enable the administration of justice to proceed effectively and well, to say, "Oh, but we are violating the fourth amendment. We must protect these 'poor people' from being constitutionally deprived of their rights."

Mr. President, there is no such element in this law at all. There is no suspension of the fourth amendment after 5 years—or any abrogation thercof.

Mr. HART. What does it mean, then, when title VII says that no claim shall be considered? What kind of claim?

Title VII says:

> No claim shall be considered that evidence of an event is inadmissible on the ground that such evidence was obtained by an unlawful act if such event occurred more than 5 years after such alleged unlawful act.

Mr. HRUSKA. That is on the basis of the fact that anything which predates a 5-year period is presumed to have no connection and the denial of the right to scan it has no relevance to the issue at hand, and cannot have.

Mr. HART. Why does the passage of 5 years make it irrelevant, when the fourth amendment assures me of protection when I am young, middle aged, or old?

Mr. HRUSKA. Let us take a simple case. Seven years ago, there was an electronic surveillance made. A log transcript was made thereof, which shows that Joe Blow will steal a car. They go into the ramifications of what they will do with the car, and so forth. In 1970, 7 years later, Joe Blow is accused of stealing a car. It is a car which was made only 18 months before that. It has his fingerprints on it. He has no right to the car. They proceed to try to prove that he tried to steal that car.

What relevance have the fingerprints on that car, which was not even in existence until more than 5 years after the electronic surveillance occurred, to the surveillance?

What relevance have they got and why should the defendant in a case like this, go back 7 years, long before the car was manufactured, and long after he had had time to cool off and change his plans?

At the expense of the administration of justice what right does he have to pull out of the archives something 7 years old that can no more have any relevance to the charges against him than if it was a transcript which had to do with a long-distance telephone call from the moon?

That is the issue that is presented. And all it does is furnish an occasion for delay, obstruction, cost and expense; and expenditure of judicial manpower and prosecutorial manpower for those who do not want those people tried for some reason or another, because they continue to bring up the fourth amendment.

They say, "Let us look at the fourth amendment. Let us not do this. Here is the fourth amendment."

That is a very extreme position.

Mr. HART. Mr. President, does not the Senator from Nebraska agree that sometimes illegal evidence 7 years old might be relevant?

Mr. HRUSKA. I agree.

Mr. HART. But title VII says that nothing should be considered if it occurred more than 5 years before the crime.

Mr. HRUSKA. That is correct. And there can be no real relevance.

Mr. HART. Anything older than 5 years is presumed to be irrelevant.

Mr. HRUSKA. The Senator is right.

Mr. HART. Under what clause of the fourth amendment can that presumption be based?

Mr. HRUSKA. The fourth amendment is not directly concerned here.

Mr. HART. I still have difficulty understanding.

Mr. HRUSKA. I am sure that is right. But in the cases that I cited a little while ago, they would have had difficulty on that basis. And I think that we ought to proceed in that light.

Mr. COOPER. Mr. President, I remember very well the debate in the Senate on the crime bill 2 years ago. There were provisions in that measure providing for the legalization of the use of electronic devices and surveillance.

It has been some time ago but I remember arguing against those provisions of the bill. I voted against the bill although it had valuable sections, because I thought it opened up without proper protections, unreasonable and possibly unconstitutional invasion of a person's privacy by bugging, wiretapping, and other means of electronic surveillance.

This is a very difficult section we are discussing, at least for me on short study.

I should like to ask the Senator from Nebraska: Is it correct that before a defendant or party who had standing, who had a claim under the Alderman decision to full disclosure of the evidence obtained by the Government, the court would have to rule that the action of the Government in obtaining the evidence was illegal? Stated in another way, any right the Government has to use evidence obtained by electronic surveillance against a defendant—whoever he is—would be lost if the Government acted unlawfully in obtaining this evidence by means of electronic surveillance.

Mr. HRUSKA. He would have to allege illegality.

Mr. COOPER. We start on that premise.

Mr. HRUSKA. The Senator is correct.

Mr. COOPER. We start on the further premise that the evidence has been secured illegally.

Mr. HRUSKA. That is the basis of his further proceedings.

Mr. COOPER. At that point, the defendant claims, according to the amendment, the right to look at all of the information that has been secured illegally.

Mr. HRUSKA. The Senator is correct.

Mr. COOPER. The Alderman case upheld that right. Section VII of the bill would limit the right. It would leave to the court to determine what part of the illegal evidence should be disclosed to the defendant, according to its relevancy to the point at issue.

And section VII provides that in the event more than 5 years had passed between the alleged illegality and the event, there would be an absolute bar against any disclosure.

Mr. HRUSKA. The Senator is correct.

Mr. COOPER. I have read the report of this section, and I have heard the Senator's very clear discussion. He argues, and I am sure correctly, that the Alderman case is used by individuals, particularly parties engaged in organized crime, who having no effective grounds for a plea of innocence seek to postpone and delay and drag out their case.

Assuming that under the crime bill passed 2 years ago—which required certain procedures to be followed by Federal enforcement officials, and State enforcements officials—legal procedures to secure the right of electronic surveillance, assume that they follow the correct procedure, why is it a great burden on the Government if it acts according to the law if its evidence is properly and legally secured?

Mr. HRUSKA. That is required if the log or the transcript is 12 or 15 years old.

Mr. COOPER. The point is that it might be illegal.

Mr. HRUSKA. The Senator is correct.

Mr. COOPER. At some point in the past, if the Government acted illegally in its use of electronic devices, why should not the record be disclosed?

The Senator looks at it prospectively. He does not expect that situation to arise as often, in the future. But the Senator is concerned that, because of the Government's illegal action in the past, it will either have to dismiss cases or subject itself to a disclosure of the illegal evidence.

Mr. HRUSKA. Mr. President, let us project ourselves into the future. Let us suppose that this is 1983 and that in 1970 a transcript was made. A man is charged, and he can dig through the dusty archives of the Government. He can force the Government to go through all the expense of using its judicial manpower to prove the legality of an electronic surveillance that had nothing to do with the case.

I think it would serve a very useful purpose. There is reason to believe the man is guilty. He escapes trial on the merits for years until this is decided. He could have an appeal to the circuit court on a writ of certiorari. We would have to start all over again.

That is the vice of the thing. There has to be a legal limitation. It was suggested that 5 years would be an ample time—that is the time from the surveillance until the event the evidence of which is to provide the basis for the criminal charge.

Mr. McCLELLAN. That is also the general Federal statute of limitations on the basic question of guilt.

Mr. HRUSKA. The Senator is correct.

Mr. COOPER. The statute of the limi-

tations usually runs in favor of the defendant.

Mr. HRUSKA. The citizens have constitutional rights, too. And there is a case to be made for a statute of limitations in favor of U.S. citizens and their safety on the street from the depredations of crime. Maybe they have a right to a statute of limitations, too.

Mr. COOPER. If one raises a question about a constitutional problem or an individual right, it is with risk of criticism that he is more interested in securing the right of an individual than in combating crime. I do not believe that is a correct argument. We are all terribly interested and concerned about crime. I think there are many ways of reaching a solution.

We are increasing the number of judges, district attorneys, and police. But crime is here and it is going to be with us, in my opinion, for some time because, while legislation is important, its solution is not wholly connected with legislation.

Our legislation should not deprive individuals of constitutional rights.

As the Senator knows, I have tremendous respect for him. I know he is a good lawyer and that he knows the principles on which the law is based. However, I do not think we can cast away these questions of constitutional rights. Our system of government is based on this principle, and our country has fought for it in many ways.

Mr. HRUSKA. Mr. President, I agree with the Senator from Kentucky completely. But there is no effort here to discard the constitutional protections to those people. When the rights of the public are mentioned, it is in the context that we want to secure some balance between the rights that are accorded individuals accused of violations and the public. Where there is something of substance, we want to accord every full intendment to every defendant so that his safeguards should remain inviolate; but we do not want that consideration to be driven to such an extent that the price will be a heavy burden on the law-abiding people of the country.

Therefore, those of us who composed title VII believe that the balance is achieved and, if anything, there is more than the usual amount of consideration given to the defendant and the accused when remedial statutes such as this are considered.

Mr. CASE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. CASE. Mr. President, I wish to join the Senator from Kentucky in expressing appreciation to the Senator from Nebraska and other Senators, and the chairman of the committee who devoted such a tremendous amount of work in this field and to these problems.

I would like to carry one step further the line of inquiry the Senator from Kentucky was pursuing. It is my general understanding that this whole body of law represents an effort by the Supreme Court to enforce constitutional provisions, not because they like individuals who raise these questions, but because in some sense there does not seem to be any other way of enforcing the constitutional provision that no man should be subjected to unreasonable searches and seizures, for example.

Mr. HRUSKA. Is the Senator referring to the Alderman case?

Mr. CASE. Yes.

Mr. HRUSKA. The case law.

Mr. CASE. Yes; by which the Court suppressed evidence which has been found to be obtained illegally, or by unconstitutional action.

Would the Senator tell me from his knowledge, and I would like to know this, what means the individual whose wires are tapped has for bringing the State to account other than reliance on the doctrine of the Court? Is there any way they could be punished? Can the FBI agent and the person who directs him, the Attorney General, be called on to account criminally, if the Senator will, for violation of any laws that now exist? Is there an adequate remedy?

Mr. HRUSKA. The defendant or the one charged with crime has this opportunity. He can challenge the legality of the procedures whereby the electronic surveillance was ordered by the court, the fashion in which it was executed by the law enforcement officer, and the way in which it was taken and returned to the court under court procedures.

Mr. CASE. Does the Senator mean by a motion to suppress?

Mr. HRUSKA. By a motion to suppress and to challenge the legality of the proceedings.

Mr. CASE. How could he know this happened?

Mr. HRUSKA. He gets a personal notice, and then he has a right to inspect all court pleadings, the showings made by the prosecuting attorney, the motion made, the considerations by the judge, the conditions of the order of surveillance, the time limitation, and so forth. He has a chance to inspect all those things. In this country we do things in that way.

Mr. CASE. Under the Criminal Act.

Mr. HRUSKA. Yes, of 1968.

Mr. CASE. We set out a procedure by which these matters will always be matters of record.

Mr. HRUSKA. The Senator is correct.

Mr. CASE. Questions may be raised as to whether the statute authorizing these procedures is constitutional and whether the statute has been followed by the law-enforcement agency or the judge. But a record will be available to the defendant in any particular case from which he can know the surveillance has taken place. There is no question about that. So if there is illegality in the future in the use of wiretaps, it will be something that will be possible for a defendant to find out about without this kind of broad search of all public records.

Mr. HRUSKA. By all means.

Mr. CASE. That is a matter of importance because, in one sense, we are dealing with practical questions and not questions we are interested in because of principles only, but principles as applied in particular cases and to individuals.

Mr. ERVIN. Mr. President, will the Senator yield, so that I may clarify my understanding of title VII?

Mr. HRUSKA. I yield.

Mr. ERVIN. Under holdings of the court, where evidence is unlawfully obtained, for example, by an involuntary confession, two types of evidence are listed. One is the confession itself.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Those persons who are not Members of the Senate will take seats at the rear of the Chamber. The Sergeant at Arms will keep the halls clear throughout this legislative day.

The Senator may proceed.

Mr. ERVIN. The other type evidence is the fruit of the forbidden tree. In other words, as a result of the confession there is found a murder weapon. At the present time they exclude the confession and they exclude the murder weapon, do they not, under some decisions?

Mr. HRUSKA. By use of this additional information?

Mr. ERVIN. Yes.

Mr. HRUSKA. Yes.

Mr. ERVIN. Am I correct in construing the 5-year clause of title VII to relate only to what is called the fruit of the forbidden tree?

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. And it does not impair at any time the power to question the inadmissibility of the illegal testimony itself?

Mr. HRUSKA. The Senator is correct.

Mr. ERVIN. In other words, is this the way in which it would operate? A murder is committed. A party is arrested for the murder and he makes an involuntary confession. But as a result of the involuntary confession, the lead given by the involuntary confession, the officers go out and find the murder weapon. This would make the murder weapon the fruit of the involuntary confession. It would prevent raising questions of admissibility of the finding of the weapon, identified as the weapon, by other sources, as the weapon of the accused; but it would not affect the possibility of the accused raising the question that the confession itself is involuntary even after the lapse of 5 years.

Mr. HRUSKA. I would think that would hold true. I do not know that there is any differing opinion held by the Senator from Arkansas. I think that would follow.

Mr. McCLELLAN. I am advised by counsel that that would be true only if the weapon was hidden and found 5 years later.

Mr. HRUSKA. More than 5 years after that.

Mr. McCLELLAN. Yes.

Mr. ERVIN. In other words, during the 5 years and thereafter, as far as title VII is concerned, the accused would have the right to contest the admission of the primary evidence on the ground of its having been illegally obtained either by involuntary confession or by illegal search and seizure, and he could also contest the admissibility of the secondary evidence, that is, proof of the fruits hidden and discovered during the 5-year period, but he could not contest the admissibility of the evidence hidden, and discovered as a result of the primary illegal evidence, after the lapse of 5 years.

Mr. HRUSKA. That is what I understood the interpretation to be.

Mr. McCLELLAN. This title proceeds on the assumption that if he had not hidden it within 5 years, it was not discovered as a result of the alleged illegal activity, confession, or conversation, whatever it was, made more than 5 years previously.

Mr. ERVIN. It is even more narrowly drawn than I had considered. In other words, the bar is on challenging the admissibility of evidence of an event occurring after the lapse of 5 years.

Mr. McCLELLAN. After 5 years.

Mr. ERVIN. But if the event occurs and it is discovered within 5 years, it can still be challenged.

Mr. PASTORE. Mr. President, if the Senator will yield, are we not getting a little mixed up? The only time the validity of a confession can be challenged is at a trial. Therefore, if a trial is ruled out and the person is found innocent of that, even if the evidence were discovered 5 years later, it would be double jeopardy.

Mr. ERVIN. As I construe it, that is true only where the trial was after 5 years.

Mr. PASTORE. In other words, they would keep the involuntary confession on ice for 5 years before they brought the confession out in court? Am I to understand that is what is suggested? What are we talking about? The confession is made at the time of apprehension. Therefore, under our Constitution, a defendant is entitled to a speedy trial. They cannot withhold the confession for 5 years and then go into court to see whether it was an involuntary confession.

Mr. McCLELLAN. Here is what is at issue: The one who is charged says, "6 or 7 years ago they put an illegal wiretap on my home."

Mr. PASTORE. I see it with respect to a wiretap, but I cannot see it with respect to a confession. I can see it on a wiretap.

Mr. McCLELLAN. In other words, a defendant could drag it out forever.

Mr. PASTORE. I can see it on a wiretap.

Mr. McCLELLAN. Yes.

Mr. PASTORE. I am for it, but I do not go along with the example of the involuntary confession.

Mr. ERVIN. For example, in Charlotte, N.C., a man committed a rape and a murder in a cemetery. He made what the Supreme Court, after a lapse of about 7 years, held was an involuntary confession, although the Supreme Court was in disagreement with the trial courts, both the State court that tried the man originally and the Federal court which took jurisdiction under habeas corpus. In the confession he told where he had hidden some of the apparel of the woman he had raped and murdered and where he had hidden his own clothes. They discovered some of his clothes and the apparel of the women hidden in a hedge. So it would have application to both involuntary confession and wiretap.

Mr. HART. With respect to the 5-year limitation, may I conclude by confessing that I am still unpersuaded, and my lack of acceptance of the explanation is that I find no statute of limitations in the fourth amendment with respect either to illegal search and seizure and the products produced by the illegal search and seizure, or the illegal fruits from the illegal search and seizure, whether it be by wiretap or going into one's home without a warrant.

As I understand the explanation with respect to the illegal fruits after 5 years, my rights under the fourth amendment have tolled. How? By properly amending the Constitution? No. In order to fight crime, Congress itself is amending the Constitution.

If we adopt this provision, I know the Court will eventually resolve the question, but may I ask the Senator from Arkansas a question? As the Senator from Nebraska described, in a proceeding where the defendant seeks to obtain the log of a wiretap, or full disclosure in any case where he alleges illegal conduct on the part of the prosecuting authorities, when he seeks to make his case and is confronted by title VII, who decides whether the information that he seeks to obtain may be relevant to the pending case?

Specifically, are we going back to the Department's original position in the Alderman case—that the Department of Justice shall make that decision—or the court?

Mr. McCLELLAN. It would still be a court proceeding. The court would make the decision. That is the purpose of this language—to put it in the hands of the court.

Mr. HART. That is very good. I am glad to get that explanation.

Mr. McCLELLAN. Another thing: If the court is permitted to examine it, the defendant can appeal from that decision. The appellate court can see the whole case, just as the court in camera did. The Supreme Court can see the whole file. If there is any injustice involved, as a matter of judgment, they can say they examined the case and, as a matter of judgment, then can throw it out.

So a man is not precluded from his every right. We are trying to prevent what is employed to delay and obstruct justice, and we are dealing with the worst in the country, understand.

Mr. HART. Do I understand that all of the logs of all of the tapes must be turned over to the court?

Mr. McCLELLAN. To the judge. He sees it all. We are trying to prevent that disclosure which does nothing to serve justice.

Mr. PASTORE. Fishing expeditions.

Mr. McCLELLAN. That is the point of it. One can think of almost anything by which he can delay and appeal and carry the matter out and bring out hearsay evidence and bring in something said about people who are innocent, which has no relationship to the case, and expose the whole thing. We are trying to prevent that.

Mr. President, I have a brief statement to make, but I do not want to take the Senator's time at this time.

Mr. HART. Mr. President, that clarification is useful.

That material shall be turned over to the court?

Mr. McCLELLAN. All of it.

Mr. HART. But if the judge happens to see something that happened more than 5 years ago and which might cause some trouble in the minds of defense counsel, as to whether it led to the ultimate prosecution, there is nothing he can do about that?

Mr. McCLELLAN. Under this provision, no. There has to be some limitation.

Mr. HART. I merely asked if something could be done by the judge.

Mr. McCLELLAN. I think that the 5-year limitation would apply.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, in the first place, let me show what the amendment does.

The bill from which title VII was taken was introduced last May, in the middle of hearings, because of testimony heard at that time. I refer also to the decision in the Alderman case. On May 29, I introduced a bill, S. 2292 cosponsored by the Senator from Nebraska (Mr. HRUSKA), to try to correct the situation. So we have had it in committee all of this time. Both sponsors of the amendment are members of the subcommittee and the full committee, and yet the question raised by this amendment was not raised until Monday of this week, the 19th. That makes it very difficult for committees to operate.

Let me show what would be done by this hasty action.

If this amendment were adopted, any time the evidence was once made available for the purposes of determining its legality, or for the purposes of determining its admissibility, it would thereafter be—in terms of the literal language of the amendment—forever sterilized and immunized from use. Listen to this amendment. They could not use it even to prove guilt. Let me show the Senator what this kind of hasty action does:

> DISCLOSURE OF EVIDENCE.—Any evidence or material disclosed to a party solely for the purpose of permitting a determination as to the admissibility at trial of that or other evidence and material shall not be disclosed by any party or by the court except to the extent that the placing of such evidence or material in the court record is required for the purposes of court rulings.

It could never be exposed for anything else, or used for anything else. It simply kills the testimony.

I do not think the proposer of the amendment would want to do that. But this shows what hasty action does. The amendment was not considered by the committee, nor was the proposal suggested there, and now we are confronted with an amendment which, in my opinion, simply nullifies or rules out all use of all testimony, once it is made available to determine whether it is admissible against a given defendant.

Mr. HART. Mr. President, could I ask the Senator one question? I think we might reach an agreement with respect to the purposes of this added language.

Mr. McCLELLAN. Yes.

Mr. HART. We are clearly not in agreement as to the basic proposal in the pending amendment to strike title VII.

The reason for the addition of this language was to attempt to prevent the release to the press of a whole series of things, perhaps even by way of a subpena. What we are attempting to estab-

lish here, and perhaps the Senator from Arkansas would agree, is that if materials are made available to the defendant as probably relevant, they shall not be given to the public unless, in the course of subsequent litigation, they or a portion of them—and only so much as is in fact introduced into the record—become a part of the record.

In other words, all of us, I think, share the desire that these tapes of illegal taps, shall not be released to the public except as the interest of justice, specifically in the case of the defendant himself, requires it.

This was the purpose of the added language. Does the Senator share the objective?

Mr. McCLELLAN. We undertake to do that, and do it, in title VII. Evidence that goes to the defendant need not in the interest of justice be given by the court to the public. But the Senator's language here would prevent all subsequent use of it. Take, for example, the *Alderman* case, where they held it was not illegal to use it as against one defendant, but that it could be used against the others. It could not have been disclosed again, or used, under the Senator's amendment. I do not think that is the intent, but that is what the Senator has done.

Mr. HART. Mr. President, if we can obtain from the manager of the bill this clarification concerning public disclosure, there would be no reason to retain the added language, and I would ask that it be removed.

Mr. McCLELLAN. I am just showing the Senator what he is doing with this kind of legislation, or by attempting to legislate in this fashion.

Mr. HART. We are attempting to show the manager of the bill what he is doing with title VII, and why we want to strike it.

The only point we had with respect to this additional language is an attempt to insure, that after the defendant has obtained material which may be relevant to a claim the evidence is inadmissible, we will not thereafter be able to read in the newspapers of a whole list of irrelevant conversational exchanges that may have occurred over a 4- or 5-year period.

Mr. McCLELLAN. Such judicial publication is exactly what we are trying to prevent with title VII.

Mr. HART. Does the Senator believe title VII does that?

Mr. McCLELLAN. That is the purpose of it, and it does that. That is our objective, and I think we have accomplished it.

Mr. HART. Mr. President, I then modify the pending amendment to remove the added language, so that the amendment is clearly and simply to strike title VII.

The PRESIDING OFFICER. The Chair advises the Senator that the yeas and nays have been ordered. Therefore, it would require unanimous consent to modify his amendment.

Mr. McCLELLAN. Why not let us vote on the original amendment?

Mr. HART. Have the yeas and nays been ordered?

Mr. McCLELLAN. Yes, they have been ordered.

Mr. HART. I ask unanimous consent that we may remove the substitute language, based on the assurance given us by the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. Reserving the right to object, I am sure that the distinguished Senator from Michigan and his cosponsor did not intend any such result.

Mr. McCLELLAN. Of course he did not.

Mr. ERVIN. But as I understand this, if any evidence is produced and disclosed to a party solely for the purpose of permitting a determination of admissibility at his trial of that or other evidence, the prosecution would be precluded from even offering that evidence before the jury in case the judge ruled it was admissible.

Mr. McCLELLAN. Yes, even to establish guilt. You could not use it.

But I raise this issue, Mr. President, to show the Senate that, where we have the committee process, and have the committee, and an opportunity to bring a matter up and have it discussed there, if we bring an amendment up on the floor at the last minute in this manner, we can easily fail to realize the full consequences of what we are doing, and we can achieve results wholly unintended.

The PRESIDING OFFICER. Does the Chair correctly understand that there is no objection to the request of the Senator from Michigan?

Mr. McCLELLAN. I am not going to object, if he wants to modify it. It would just mean another vote. We could vote on the amendment as it is, and he could then offer the other. Therefore, I am not going to object, but I wish the Senator would withdraw his amendment and let us get on, here. If he will not, let us vote on it.

Mr. HART. Mr. President, let me see if I understand the offer kindly made by the Senator from Arkansas, that there would be no objection to modifying the amendment that is pending, on which the yeas and nays have been ordered.

Mr. McCLELLAN. I object to the amendment in any form.

Mr. HART. I understand that. The Senator will oppose the striking of title VII, but does he object to modifying the amendment so that it proposes only to strike title VII, and eliminating the other language?

Mr. McCLELLAN. I have just said I am not going to object, in the interest of time. We could vote on the amendment in this form, but I do not think the Senator from Michigan now would want to vote for it himself, with the interpretation we have brought out here this afternoon.

Mr. HART. That is correct, if your interpretation is proper.

Mr. McCLELLAN. But if we vote on it in its present form, he could then come right back and offer the amendment by which he now proposes to modify the pending amendment, to achieve the same result. So why delay? I am not going to object.

Mr. PASTORE. There is no objection, Mr. President.

Mr. HART. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. A rollcall has been ordered; the clerk should call the roll.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

Mr. PASTORE. The amendment as modified, is that correct?

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to the amendment, as modified, of the Senator from Michigan (Mr. HART), offered for himself and Mr. KENNEDY. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. McCARTHY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. SCOTT. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. JORDAN), the Senator from New York (Mr. GOODELL), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from South Dakota (Mr. MUNDT), the Senator from Utah (Mr. BENNETT), the Senator from Kansas Mr. PEARSON), the the Senator from Illinois (Mr. PERCY), the Senator from Idaho (Mr. JORDAN), and the Senator from Oklahoma (Mr. BELLMON) would each vote "nay."

On this vote, the Senator from Maryland (Mr. MATHIAS) is paired with the Senator from Florida (Mr. GURNEY). If present and voting, the Senator from Maryland would vote "yea," and the Senator from Florida would vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from

New York would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 20, nays 53, as follows:

[No. 7 Leg.]

YEAS—20

Brooke	Hughes	Nelson
Case	Kennedy	Packwood
Cooper	Magnuson	Ribicoff
Cranston	McGee	Stevens
Fong	Metcalf	Williams, N.J.
Hart	Mondale	Young, Ohio
Hatfield	Muskie	

NAYS—53

Allen	Ervin	Pastore
Allott	Fannin	Proxmire
Anderson	Fulbright	Randolph
Baker	Goldwater	Russell
Bible	Gore	Saxbe
Boggs	Hansen	Schweiker
Burdick	Hartke	Scott
Byrd, Va.	Holland	Smith, Maine
Byrd, W. Va.	Hruska	Sparkman
Cannon	Jackson	Spong
Cotton	Jordan, N.C.	Stennis
Curtis	Long	Symington
Dodd	Mansfield	Talmadge
Dole	McClellan	Thurmond
Dominick	McIntyre	Tower
Eagleton	Miller	Williams, Del.
Eastland	Montoya	Young, N. Dak.
Ellender	Murphy	

NOT VOTING—27

Aiken	Gurney	Moss
Bayh	Harris	Mundt
Bellmon	Hollings	Pearson
Bennett	Inouye	Pell
Church	Javits	Percy
Cook	Jordan, Idaho	Prouty
Goodell	Mathias	Smith, Ill.
Gravel	McCarthy	Tydings
Griffin	McGovern	Yarborough

So Mr. HART's amendment, as modified, was rejected.

Mr. HRUSKA. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. McCLELLAN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MURPHY. Mr. President, I support S. 30, the Organized Crime Control Act. In his April 23 message to the Congress on organized crime, President Nixon served notice that "organized crime cannot be ignored or tolerated any longer." That President Nixon and this administration mean business can be illustrated by the fact that this administration is not only proposing and strongly supporting new tools, as provided in S. 30, but also, unlike the previous administration, using the tools that Congress gave when it enacted the Omnibus Crime Control Act of 1968. I am referring to the use of court-ordered electronic surveillance devices. As a result of the use of these devices, a major narcotics ring in the Nation's Capital has been broken up and a nationwide gambling ring has been smashed in New Jersey. Further, I have strongly supported the administration's request which they have received for the doubling of last year's appropriations in this vital field. In addition, the Justice Department has more than doubled its manpower in this area.

Mr. President, organized crime permeates all spheres of our society. Octopus like, organized crime is a complex and highly organized menace to society. The poor people in our slum areas are tragically often the primary victims of organized crime.

It is the children of the slums who often become victims of the narcotic pusher. In my testimony before the Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee, when it was in Los Angeles on September 27, 1969, I referred to an article published in the New York Times, reporting that addict victims were turning vigilante in an effort to halt the narcotics problem. This indicates the desperateness of the situation. The New York Times article went on to estimate that there are 100,000 heroin users in New York and further estimated that addicts might be stealing as much as $2.6 billion a year to support their habit. Further, the article pointed out that the U.S. Post Office had to pay some $360,000 in overtime pay just to provide additional postmen for safety reasons in the heavy drug areas. It seemed that these additional postmen were needed twice a month when welfare checks were mailed since the narcotic addicts have come to regard these checks as a potential source of money in which to buy heroin.

Narcotic traffic is only one phase of organized crime's illegal activities, but it does indicate that the stakes, both in terms of human suffering and financially, are high. It is generally agreed that organized crime's greatest source of revenue is derived from gambling activities. President Nixon has labeled gambling as organized crime's "lifeline." This gambling activity includes lotteries, dice games, and illegal casinos. While no one has an accurate figure on organized crime's intake from its gambling activities, it has been estimated to range from $7 to $50 billion. The second largest revenue for organized crime is so-called "loansharking." This is the practice of lending money at exorbitant interest rates. The President's Task Force on Organized Crime estimated that interest rates varied from 1 to 150 percent a week. While there are no estimates of the gross revenue from this practice it is believed that multibillions are involved.

A particular offensive consequence of organized crime is the corruption of local officials. For the President's Crime Commission found corruption common where organized crime exists and noted that the available information indicated that—

Organized crime flourishes only where it has corrupted local officials.

Such corruption undermines our local governments and reduces our citizens' confidence in our governing institutions. With so much cynicism abounding in the country today with respect to our governing institutions, it is particularly harmful to our national health and well being.

Organized crime's activities are not confined to the illegal; indeed, legal activities often are fronts for their illegal efforts. Senator McCLELLAN in his very articulate and able opening remarks on this measure said that Internal Revenue sources indicated:

Of this country's 113 major organized crime figures, 98 are involved in 159 businesses. In like manner, the President's crime commission in 1967 reported that racketeers control nationwide manufacturing and service industries with known and respected brand names.

In addition, the Senator from Arkansas (Mr. McCLELLAN) placed in the CONGRESSIONAL RECORD a partial listing of business activities in which organized crime has been active. It was a long and very diversified listing of business activities.

S. 30, the Organized Crime Control Act, before the Senate today not only declares "war" against organized crime but also provides law-enforcement officers and our courts with the tools and machinery necessary to do battle. The bill is the result of all the great effort and attention by the President and his administration and the Judiciary Subcommittee on Criminal Laws and Procedures, under the leadership of Senator McCLELLAN, its chairman, and the ranking minority member, the Senator from Nebraska (Mr. HRUSKA).

The bill has 10 titles designed to improve our evidence-gathering procedures and processes in the investigation of organized crime, to strengthen Federal jurisdiction over syndicated gambling where interstate commerce is involved, to prohibit infiltration of legitimate organizations by racketeers or proceeds of racketeering activities, and to provide for the imposition of increased punishment—up to 30 years—for three types of particularly dangerous special offenders; namely, recidivists, professional offenders, and organized crime's leaders.

While areas for improvement obviously may exist, I believe that this measure is a sound and badly needed one. It attempts to balance the public interest as well as the individual rights of the accused. I strongly support the bill and am hopeful that it will bring about a retreat of organized crime and the ferreting out and prosecution of its leaders. If such is the case, it will be most welcomed by the victims of organized crime and the overburdened taxpayers of this country.

Mr. President, I ask unanimous consent that the committee's summary of the bill's provisions be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

TITLE I—GRAND JURY

Sets up a special grand jury to sit for extended terms, insulated from improper judicial influence and authorized, subject to careful safeguards, to issue grand jury reports.

TITLE II—IMMUNITY

Authorizes the grant of legislative, administrative and judicial immunity to obtain testimony over objections of self-incrimination.

TITLE III—RECALCITRANT WITNESSES

Provides for civil contempt proceedings to deal with recalcitrant witnesses.

TITLE IV—FALSE DECLARATIONS

Eliminates outmoded evidentiary and pleading restrictions (two-witness, direct evidence and contradictory statements rules) in prosecutions of those who give false testimony in grand jury or court proceedings.

TITLE V—WITNESS FACILITIES

Extends to organized crime witnesses and families physical facilities in which they may be protected.

TITLE VI—DEPOSITIONS

Makes possible, subject to constitutional protection, deposition from witnesses in danger of reprisal by organized crime.

TITLE VII—REGULATION OF LITIGATION CONCERNING SOURCES OF EVIDENCE

Sets aside Supreme Court's decision in *Alderman* v. *United States*, giving criminal defendants direct access to government files. Establishes instead court procedure. Provides for "statute of limitations" on suits alleging unlawful governmental conduct.

TITLE VIII—SYNDICATED GAMBLING

Makes bribery in connection with illegal gambling business affecting interstate commerce unlawful. In addition, prohibits the illegal gambling business affecting interstate commerce itself.

TITLE IX—CORRUPT ORGANIZATIONS

Prohibits infiltration of legitimate organizations by racketeers or proceeds of racketering activities where interstate commerce is affected. Authorizes civil remedies comparable to anti-trust to prevent violation of law by divestiture, dissolution or reorganization.

TITLE X—SPECIAL OFFENDER SENTENCING

Provides for imposition of increased punishment (up to 30 years) for convicted "habitual" criminals, "professional" criminals and "organized crime" leaders.

Mr. HART. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 93, line 15, strike the word "information" each time it appears and substitute the word "evidence."

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of one-half hour on this amendment, with the time to be equally divided between the sponsor of the amendment and the Senator in charge of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. HART. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. HART. Mr. President, this amendment relates to title X where a new and, I think, probably worthwhile concept has been developed relating to dangerous special offender sentencing. It provides that in the event a defendant in a Federal criminal prosecution is in one of three categories and is convicted, notwithstanding the sentence limitation fixed for the offense for which he has just been convicted, he may then be sentenced after a hearing for a term of 30 years as a dangerous special offender.

The objection I suggested is that in the hearing, all that is required is that it appear, by a preponderance of the information, that the defendant is a dangerous special offender.

Mind you, Mr. President, in the case at bar on which he was tried and convicted, it was required, as in any criminal proceeding, that it be by proof beyond a reasonable doubt. So, this fellow has been put to trial and the Government has been required to prove beyond a reasonable doubt that he violated a particular law.

But to establish that he qualifies for the 30-year sentencing as a dangerous special offender requires only a preponderance of the information.

Why not, as the amendment probably should provide, require the same burden of proof when, in fact, we are considering putting him away for 30 years, that is required for a conviction under a specific statute that would put him away for a term substantially less than 30 years.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. FULBRIGHT in the chair). My colleague from Arkansas is recognized for 5 minutes.

Mr. McCLELLAN. Mr. President, this is another unexpected amendment. It would overrule two Supreme Court decisions and change the whole pattern of present practice with reference to the use of information in regard to sentencing.

Title X deals with an already convicted felon—after he has already been found guilty beyond a reasonable doubt. It is a question of what information the court may consider when he goes to impose sentence. Title X deals with the professional criminal, the organized crime or Cosa Nostra people, and those who have a long string of convictions against them.

This amendment would place a limitation on the information concerning a convict's background, character, and conduct which a Federal court could consider in selecting an appropriate sentence.

The bill as now drafted preserves the traditional rule approved by the Supreme Court in Williams against New York, decided in 1949, that sentencing proceedings are exempt from the rules of evidence constitutionally required at a trial. Williams was reaffirmed in 1967 in the case of Specht against Patterson. And Mr. Justice Douglas wrote the opinion of the Court in the case of Specht against Patterson. The Court reaffirmed that a sentencing court, usually the trial court, could consider allegations not tested for reliability by the constitutional procedures of confrontation and cross-examination.

Mr. Justice Black, in the opinion of the Court in the Williams case, spelled out in these terms the policies that underlie enlightened sentencing practices and preclude any other rule.

Here is what the Court said:

Highly relevant—if not essential—to his selection of an appropriate sentence is the possession of the fullest information—

Not evidence—

possible concerning the defendant's life and characteristics. And modern concepts individualizing punishment have made it all the more necessary that a sentencing judge not be denied an opportunity to obtain pertinent information by the requirement of rigid adherence to restrictive rules of evidence properly applicable to the trial. . . . The due process clause should not be treated as a device for freezing the evidential procedure of sentencing in the mold of trial procedure. (*Williams* v. *New York*, 337 U.S. 241, 246–47, 251 (1949).)

That is the language of the Supreme Court. I hope that the Senate will not overrule that position.

Mr. HART. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. HART. Mr. President, it is not solely a question of determining the sentence. It is a question of how this man is proven to be in fact in one of the three categories which makes him a dangerous special offender. For example, it is the point at which we determine whether the defendant committed a felony as part of a pattern which is criminal, which contributed the substantial source of his income, and in which he manifested special skill and expertise.

Why should not that be required to be established by proof beyond a reasonable doubt, not just by a preponderance of information?

This is the point at which the determination must be made for example as to whether the individual who has been found to have engaged in a conspiracy was a leader or that he agreed to initiate and to finance all or part of the conspiracy.

Why should not that be required to be established by proof beyond a reasonable doubt, and not just by a preponderance of information? It is far more than a determination of whether 30 or less years should be applied. It is a hearing at which we have to find for example whether this man does have a substantial source of his income flowing from the offensive act. A substantial portion of income is not particularly precise, but requires proof of some kind.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. I yield 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. HRUSKA. Mr. President, the Senator from Arkansas has well outlined the situation involved.

This is the situation of a man standing before the court convicted, and he has been proved beyond a reasonable doubt to be guilty. The question is what kind of sentence to pass on him. And when that point is reached, it has long been the rule that all kinds of information can be used by the judge to determine what sentence he will undergo.

There were two recent decisions, cited by the Senator, that have held to that effect. And section 3577, found on page 97 of the bill, also codifies that law by saying:

No limitation shall be placed on the information concerning the background, character and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.

Under those two cases and under this section, the judge will have the discretion to use and to employ such information as he can obtain and use within the bounds of his judicial experience and conscience to apply to the situation at hand. That discretion should not be limited.

I hope the amendment is defeated.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I yield for a question.

Mr. HOLLAND. Mr. President, is not this same information used by every trial judge in connection with whether he will give a minimum or a maximum sentence or whether he should put the defendant on probation? All of these same things are considered by every judge called upon to sentence a man.

Mr. McCLELLAN. The Senator is correct. I want to add that the position of this amendment is contrary to the position that has been taken by the Model Sentencing Act, the Model Penal Code, the American Bar Association, and the decisions of the Supreme Court.

I do not think we want to sweepingly change that practice.

Mr. CASE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. CASE. Is not this a half-way-house situation really? It does partake of the nature of the consideration of the penalty by a judge. But does it not also have a kind of substantive effect in that it increases the maximum penalty which a judge may impose under certain circumstances?

Mr. HRUSKA. It can increase the sentence, but it is merely an aggravation of the offense.

The defendant here also is given the right of appearing to contest it in limited cross-examination. But it certainly does not bar the court from taking any information into account.

Mr. CASE. But there is provision for cross-examination.

Mr. McCLELLAN. That is correct, limited cross-examination and even appeal.

Mr. CASE. And all of that cross-examination has to be proved in open court. And the only change is the nature of the evidence, in effect.

Mr. McCLELLAN. That is right. He can appeal from the decision. We think the defendant's rights are protected.

Mr. HART. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. Mr. President, I think we can visualize, and the Senator from New Jersey suggested, a hearing at which the court is required to determine and evaluate an appropriate sentence.

This is not that kind of animal at all. This is a hearing to determine after an earlier conviction whether the individual does in fact fall into one of three categories.

The individual says, "Look, I didn't initiate a conspiracy. I didn't have a substantial source of my income from this offense. I want to be heard on that. I demand proof. This is an adversary proceeding, and I want to prove that I am not in such a category."

What rules of evidence would apply? Even more basic, What is the requirement of proof? The bill states, "If it appears by a preponderance of information." What does that mean? It is not even by a preponderance of the evidence, but rather by a preponderance of information. A man could be sent away for 30 years. Should it not require proof beyond reasonable doubt?

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. HART. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HART. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Michigan (Mr. HART). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. McCARTHY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting the Senator from Rhode Island (Mr. PELL) would vote "yea."

Mr. SCOTT. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. JORDAN), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), the Senator from Idaho (Mr. JORDAN), the Senator from Illinois (Mr. PERCY), the Senator from South Dakota (Mr. MUNDT), the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. SMITH) would each vote "nay."

The result was announced—yeas 11, nays 63, as follows:

[No. 8 Leg.]

YEAS—11

Goodell	McGee	Nelson
Hart	Metcalf	Ribicoff
Hughes	Mondale	Young, Ohio
Kennedy	Muskie	

NAYS—63

Allen	Boggs	Cannon
Allott	Brooke	Case
Anderson	Burdick	Cooper
Baker	Byrd, Va.	Cotton
Bible	Byrd, W. Va.	Cranston
Curtis	Holland	Russell
Dodd	Hruska	Saxbe
Dole	Jackson	Schweiker
Dominick	Jordan, N.C.	Scott
Eagleton	Long	Smith, Maine
Eastland	Magnuson	Sparkman
Ellender	Mansfield	Spong
Ervin	McClellan	Stennis
Fannin	McIntyre	Stevens
Fong	Miller	Symington
Fulbright	Montoya	Talmadge
Goldwater	Murphy	Thurmond
Gore	Packwood	Tower
Hansen	Pastore	Williams, N.J.
Hartke	Proxmire	Williams, Del.
Hatfield	Randolph	Young, N. Dak.

NOT VOTING—26

Aiken	Harris	Mundt
Bayh	Hollings	Pearson
Bellmon	Inouye	Pell
Bennett	Javits	Percy
Church	Jordan, Idaho	Prouty
Cook	Mathias	Smith, Ill.
Gravel	McCarthy	Tydings
Griffin	McGovern	Yarborough
Gurney	Moss	

So Mr. HART's amendment was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOODELL. Mr. President, I send amendments to the desk which I ask to be stated.

The PRESIDING OFFICER. The amendments will be stated.

The bill clerk read the amendments, as follows:

On page 32, strike out lines 8 through 16.

On page 32, line 17, redesignate paragraph "(3)" as paragraph "(1)".

On page 32, line 20, redesignate paragraph "(4)" as paragraph "(2)".

On page 32, line 21, strike out the period after district, insert a comma and insert the following: *"Provided, however,* That specific individuals shall not be named or identified in connection with criminal or noncriminal misconduct or malfeasance by such individuals.".

On page 33, strike out lines 7 through 24.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. GOODELL. I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 1-hour limitation on the amendment, the time to be divided equally between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GOODELL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time, and how much time is yielded?

Mr. GOODELL. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. GOODELL. Mr. President, section 3333 of S. 30 would empower Federal

grand juries to issue reports and presentments based on information obtained during the course of an investigation into alleged violations of the Federal criminal law.

The most significant authority to be given to grand juries in this area would involve reports "concerning non-criminal misconduct, malfeasance, or misfeasance in office by a public officer or employee as a basis for a recommendation of removal or disciplinary action." My amendment would strike this provision—section 3333 (a) (1)—from the bill. It would not affect the proposed granting of authority to return presentments in two specific areas in the bill as follows:

First, "proposing recommendations for legislative, executive, or administration action in the public interest based upon stated findings"; or

Second, "regarding organized crime conditions in the District, provided however, that specific individuals shall not be named or identified in connection with alleged criminal or noncriminal misconduct or malfeasance by such individuals."

Section 3333(a) (1) if enacted would authorize presentments against named individuals. A presentment is a public charge of misconduct—not involving an accusation of criminal conduct—which carries the importance of a judicial document, but lacks its principal attribute—the right to answer.

It is frequently confused with an indictment, and the distinction between the two is usually lost on the public at large.

When released to the public it inflicts irremedial injury upon the reputation of the accused. It effectively denies him due process of law because he does not have a proper forum to respond to the charges.

Admittedly, section 3333, now before the Senate, makes an attempt to meet this problem by providing for the appearance of the accused before the grand jury. It also permits him to file a report in reply and to appeal if necessary. Yet, there is substantial doubt as to the practical effectiveness of these "protections."

The proceedings would still not be adversarial and there seems to be no dispute that the accused official apparently would have no right to counsel before the grand jury, no right to call witnesses on his own behalf, and no right to cross-examine his accusers. Thus, only one side of the story would be effectively presented—that of the Government.

The proceedings before a grand jury are secret. Grand jurors are immune from suit for libel. The protection afforded an accused is primarily that if the grand jury decides that there is not sufficient evidence to indict, they return a no-bill, and the accusations are basically dismissed and the accused is cleared.

If the grand jury decides there is sufficient evidence to charge him with a crime, the accused then has all his constitutional rights in a trial with counsel; including the right to present witnesses, to cross-examine, and to clear his name if he is innocent.

A presentment, as authorized in this bill, is really a report by the grand jury. The grand jury has heard and considered the evidence. It does not find sufficient evidence of criminal misconduct to return an indictment, but under this bill it would be authorized to render a report indicating a finding of noncriminal misconduct, malfeasance, or misfeasance by a State or local official.

The only right that official has is to appear before the grand jury in this inquisitorial context. If he appears and testifies, he presumably would waive his right under the fifth amendment against self-incrimination. He would not have his attorney there. He would be subject to the cross examination of the prosecutor and of the grand jury. He does not know in advance what witnesses have testified. He does not know the nature of the evidence that has led them to call him in. All he knows is the general charge made by the prosecutor, the district attorney, and a general description of the nature of his involvement, and he must come in and make statements to try to clear his name under those circumstances.

Mr. President, I wish to make it clear that I am not here, by this amendment, objecting to the right of a grand jury to make a report to the public with reference to the activities of organized crime in a community. I am not objecting to their making these findings available to local law enforcement agencies, as is now provided for under court decisions. I am not objecting to their making general recommendations for changes in the administrative, executive, or legislative branches. All of those are critical questions that could be raised. But the one thing that I object to and would strike by my amendment is the right of a grand jury, with complete immunity, to make a report without sufficient evidence upon which to predicate an indictment naming individuals, and thereby implicating them.

What are the rights guaranteed? I know that the very distinguished and eloquent chairman of the subcommittee is going to throw back to me the fact that this particular provision is based upon a New York State law, a law passed in 1964 and fashioned almost directly on it.

That does not make it right. In the first place, there is one basic distinction. New York State law with reference to grand jury activities applies to State and local officials. Today we are dealing with the problem of a Federal grand jury, with no jurisdiction over State and local officials unless they have committed a Federal crime, making a report recommending removal, perhaps, or recommending other administrative punishments of such officials.

It is perfectly proper for them to refer the matter to the State or local law enforcement officials, but certainly it is not proper for them to make a public disclosure and public accusation, when the individual involved has not had a proper opportunity to present his side of the case.

Mr. President, the provisions of the bill before us do guarantee that individuals who are going to be named in a grand jury presentment will have the right to appear and, if their names are to be used, they have the right to appeal prior to the filing of the grand jury presentment. They also have a right, if the presentment names them, simultaneously with the filing of the presentment to file their answer, so that they both come out at the same time. Of course, the great difference is that the grand jury presentment has the quality of official sanction, and any answer given at the same time will be interpreted as an automatic, simple denial. There is really no opportunity to influence what has gone on behind the scenes in the secret session, or to bring in witnesses to that secret session. The minimum that should be provided is that where an individual is to be named, or they plan to name him, he be given an opportunity to call in other witnesses. The grand jury has heard only one side of the case.

This is a matter of great philosophical and practical importance. I think it is important that we move more effectively against crime. I think it is important that we recognize that individuals who have been involved in criminal activity be guaranteed their rights, but that the Government not be encumbered unnecessarily in prosecuting by being required to present the case in open court.

Mr. President, there will be one other answer made here.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GOODELL. I yield myself 2 additional minutes.

There will be one other answer made here:

That the President's task force on law enforcement recommended that grand juries have the right to make presentments.

They did. But they did not recommend the provision in this bill. Their recommendation was that grand juries should have the right to make recommendations to the executive or legislative or law enforcement officials in the local communities, but they did not say that grand juries should have the right to name those individuals in a presentment where they had found insufficient evidence to return an indictment.

Mr. President, there are many conflicting cases on this question. If you want to talk about the traditional grand jury, you go back to the days of Henry II, when a grand jury was really there to expand the power of the king.

The grand jury has undergone evolution over the years. It finally came to a point where it was a buffer and a protection for the accused, so that it had to be composed of independent private citizens.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GOODELL. I yield 1 additional minute.

Private citizens, independent from the authorities, would make that judgment before an indictment was returned. But, in the words of Justice Jackson, from an important Supreme Court case, Stack against Boyle:

> Since the grand jury is a secret body, ordinarily hearing no evidence but the prosecution, attended by no Counsel except the prosecuting attorney, it is obvious that it is not in a position to make an impartial recommendation. Its subject may indicate that those who have heard the evidence for the prosecution regard it as strongly indicative that the accused may be guilty of the crime

charged. It could not be more than that without hearing the defense, and it adds nothing to the inference from the fact of indictment. Such recommendations are better left unmade and, if made, be given no weight.

If made, they certainly should not be made by naming individuals that the evidence indicates have not committed criminal misconduct sufficient to return an indictment. But a grand jury, hearing one side of the case, decides that it will name these individuals and make recommendations to State and local authorities as to action to be taken in punishment of these individuals.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. McCLELLAN. I yield 5 minutes to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, the grand jury, of course, is an institution some several centuries old, and a great many practices and a great many very happy circumstances arise from its existence and from its functioning during all this time.

Under this bill, they are authorized to report under a couple of aspects, and they are good reports, and they will serve a very good purpose.

With the passage of time, we find circumstances that are a little different from what they used to be in the functioning and in the impact of criminals. As a consequence of the organized crime we have in this country, involving at is does wholesale envelopment not only of officialdom but also of the creators and the makers of opinion and influential people within given communities where the investigation holds forth, it was thought well to supplement and enlarge somewhat the traditional, conventional powers of the grand jury.

This provision is not without safeguards that are considered ample for the purpose at hand. It is one thing to try to raise the specter of the absence of a right to cross-examine and a regular trial procedure where the guilt of a man is considered, that is, whether he should be convicted or not and sentenced pursuant to law. It is another thing, in the type of society we have, to disclose, on an official basis, facts to which the public is entitled and should have, without saying that we cannot repeat these facts unless a jury of 12 men and women have found the facts under the meticulous, very involved rules of evidence and procedure availing in trials.

Before the report that is authorized by this bill can be issued, certain standards and conditions have to be met. The report must be fashioned on facts revealed in an authorized investigation of the criminal activity. The report must be based on a preponderance of the evidence. The subject must have been offered an opportunity to testify. The subject must have been offered time to prepare an answer, which must be attached to the report. That means the answer is prepared by the man or woman who may be the subject of comment in this report. The time for appeal of the court's decision to allow publication must have expired.

May I note at this point that if during all these procedures there is an abuse of discretion, if there is anything that goes beyond good sense and good judgment, the subject offended, or who thinks himself offended, may appeal through the regular appellate procedures of the Federal judicial system. That means removing it from the immediate locale of the grand jury's area of investigation and taking it to the circuit court of appeals where every assurance is given that the matter will be taken care of properly.

The committee report (S. Rept. 91–617 at 143) points out that failure to allow witnesses of the subject to testify may be prejudicial to publication and the judge may order more testimony where it is appropriate. The committee believes that this title will serve a useful purpose. It has ample safeguards. It does not put the subject to the rigors, to the formalities, and to the time-consuming activities that would occur if we were going to try a case on those points. But it will serve a good purpose, and it should be done.

This matter has been considered by the President's Crime Commission, and the fair intent of their report and their recommendation is that there must be something of this kind to get maximum benefit out of the special grand juries that operate in organized crime situations. The Department of Justice supports it. We believe that it should be tried, and that it will undoubtedly result in benefits that will be very happily received in a very grave situation.

It is for that reason that I urge that the amendment be rejected.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCLELLAN. I yield myself 5 minutes.

Mr. President, a few days ago, I inserted in the RECORD grand jury reports from New York, New Jersey, and Pennsylvania. All three of these contain the names of individuals.

May I say at this point that this section, this provision of the bill, is patterned after the New York statute. It is almost identical in language. I should like to read the New York statute, section 253(a) of the Code of Criminal Procedure of New York, which was passed in 1964:

253(a). Grand jury reports. The grand jury, upon concurrence of 12 or more of its members, may submit to the court for which it is impaneled, a report:

I ask Senators to refer to page 32 of the bill and look at 1 and 2 of subsection (a) of section 3333, reports. I ask to follow that language as I read the New York statute which was passed in 1964. On what can they report?

(a) Concerning non-criminal misconduct, nonfeasance or neglect in office by a public officer or employee as the basis for a recommendation of removal or disciplinary action; or

The next is subsection (b), and it states:

Stating that after investigation of a public officer or employee it finds no misconduct, nonfeasance or neglect in office by him, provided that such public officer or employee has requested the submission of such report.

From the page in the pending bill to which I referred, I read the comparable sections of this bill:

(1) concerning noncriminal misconduct, malfeasance or misfeasance in office by a public officer or employee as the basis for a recommendation of removal or disciplinary action; or

(2) stating that after investigation of a public officer or employee it finds no misconduct, malfeasance or misfeasance, or neglect in office by him, provided that such public officer or employee has requested the submission of such report; or

Mr. President, I submit that if it is pretty good for New York, it ought to be pretty good for the Federal Government in a similar category of activity and responsibility.

Before this report can be filed, naming an officer or charging him with misconduct, it must be served on him and he is given the opportunity to come before a grand jury and present his side of the case. It cannot just be handled promiscuously and without due regard for his rights.

In dealing with the character of the people with whom we are undertaking to deal in this bill, although the bill goes into other areas of crime it deals with the hardcore element of crime in this country, those predatory committers of crime and their cohorts who the State of New York, as well as the States of Florida and Pennsylvania, deemed advisable to be the subjects of reports.

I say to you, Mr. President, with the problems we are having today, that we can safely do this and should do it because, very often, there is strong evidence of misconduct and corruption on the part of officials, whether or not it has reached the point of a crime. In addition to the States of New Jersey and Pennsylvania whose reports were inserted in the RECORD, a most recent report of a grand jury from the Senator's home State has been inserted.

The State of Florida permits such reports. The Supreme Court of Florida, in 1955, contemplated the question of reports on individuals and they stated:

We specifically held in the last case cited that if employees or officers are incompetent or lax in the performance of the duty imposed upon them, if they are lacking in the common courtesy attached to the duty vested in them, whatever the delinquency may be the grand jury has the right to investigate and make a fair report of its findings. *Ryon* v. *Shaw*, 77 S. 2d 455 (1955).

In another case, the Florida Supreme Court found:

Another observation is that democratic government emanates from the people, it is theirs to administer with all the checks and balances that they see fit to throw around it. There is no greater deterrent to evil, incompetent and corrupt government than publicity. In its last analysis we are confronted here with a means to that end and as long as accomplished within reasonable bounds, the courts are without power to interfere with the means provided. *Ibid.*

We not only provide reasonable bounds here, Mr. President, we also require that if the subject answers and files a reply, or a rebuttal to the grand jury report, his answer must be released and published as a part of the report.

We have gone further than many States in this respect. In doing this, Mr.

President, as I have pointed out on several occasions, title I of S. 30 is based on New York's experience, as was last year's Electronic Surveillance Act. I think it a tribute to the State of New York, that once again we are calling upon the New York experience in support of this legislation to combat the forces of organized crime.

Title I of S. 30 is modeled upon a bill which bears the signature of Nelson Rockefeller.

It is also a comment on the bipartisan nature of the legislation that Republican Governor, Thomas Dewey, duly vetoed an earlier attempt to do away with grand jury reports in New York, stating that grand jury report power is "one of the most valued and treasured restraints upon tyranny and corruption in public office."

Mr. President, I have said over and over again that it is imperative, it is compelling upon Congress, to provide every legal weapon within the framework of the Constitution for law enforcement officials to use in prosecuting the war against crime.

I therefore hope that the pending amendment will be rejected.

Mr. GOODELL. Mr. President, first of all, on the philosophical point made by my distinguished colleague and friend from Arkansas, I must tell him that I disagree with the philosophy of the New York State law as well. But the New York State officials who favor the New York State presentment have very grave doubts about the provisions of this bill. The distinction here is that it is one thing for a State grand jury, under State law, to make general recommendations and reports with reference to State and local officials, but it is another thing for a Federal grand jury, having found no Federal crime committed, to make recommendations to State and local officials as to punishment, administrative or otherwise, against those State and local officials.

This is the very critical matter of separation of powers. It is perfectly proper for a Federal grand jury to make its findings available to the proper law enforcement officials at the State and local level. That is done. But it is not proper for a Federal grand jury just to issue a report, accusing State and local officials of misconduct or of criminality, when those State and local officials have had nothing but the opportunity to come in and testify in the inquisitorial atmosphere of a grand jury. They have not been able to bring witnesses. They have not been able to bring counsel. They have not, really, known the extent of the testimony against them, or the witnesses who have given the evidence to that grand jury.

This is a matter of great importance. We have a number of cases on this and they are conflicting. One of the most important ones involves a Federal grand jury which reported on a noncriminal conduct of a State official in a case entitled, "In re Petition for Disclosure of Evidence," before an October 1959 grand jury. The grand jury in that case was told only to indict or ignore the individuals to investigate. Instead, the grand jury pointed out that it did not have enough evidence to indict. The evidence they did have on names of State and local officials, which was requested to be sent to the city mayor and the State Governor, the court on a motion to expunge said, "although the grand jury felt mostly compelled to bring the serious issue to the attention of the authorities, it stated only that the evidence be turned over to local officials," without saying more.

The courts felt, one, that the tenor, the purport, should not have been made known since it violated the secrecy of a grand jury proceeding and, two, that it was an infringement upon the province of State and local government.

It is noted here that the city wanted the evidence for administrative disciplinary action only, while the State wanted the evidence for criminal prosecution purposes.

Mr. President, in the light of the facts of that case, the court expunged everything except the recommendation that the evidence be forwarded.

I believe that we should recognize here that title I of the bill changes the traditional role of the Federal Government—at least the traditional role of the Government in recent years—and that we must change it with great care.

Now, Mr. President, I yield 2 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes.

Mr. COOPER. Mr. President, my inquiry concerns itself not only with questions raised about the purpose of the amendment but also for possible interpretation by the courts. Jurisdictions differ in fixing the duties of grand juries. In my State, a grand jury may make recommendations arising from the conduct of an official but usually when such conduct constitutes malfeasance or misfeasance, or for the basis of making recommendations to the official, as to carrying out his duties more effectively.

To secure a conviction of a crime in court, there must be proof beyond a reasonable doubt. The grand jury however must simply find that there is reasonable cause to believe that a crime has been committed.

The language of this section does not even require reasonable cause. It provides that even though there has been no criminal misconduct, no criminal misfeasance, and no criminal malfeasance yet the names of individuals may be included in this report.

I would like to find out if there has been no criminal misconduct, no criminal misfeasance, and no criminal malfeasance found by the grand juries, why should individuals be included in a report.

It would appear to me, unless there is a better explanation, that this is something like the denunciation of individuals which occurs in some countries which are not democracies.

We oppose such denunciation, and rightfully, when there is no justifiable cause or basis.

I would like to know for what purpose we should denounce individuals when, at the same time, we say specifically that they committed no crime. Why should we denounce them?

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I was wondering if someone wanted to answer the question that the Senator from Kentucky has asked.

Mr. GOODELL. I was wondering the same thing. I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. Mr. President, I support the amendment proposed by the able Senator from New York. I think he has outlined the questions that cause us all concern. The Senator from Kentucky has raised a question to which there has been no answer. It just compounds the kind of concern that led to the introduction of the amendment.

It is my understanding, Mr. President, from a press report that the U.S. Judicial Conference opposes the adoption of title I.

I would offer for the RECORD—unless there are those in a direct position to give a more direct statement as to the attitude of the Judicial Conference—a column which appeared on November 4, 1969, under the byline of John P. MacKenzie in the Washington Post.

This story reports that the U.S. Judicial Conference has voted to oppose the grand jury title in its entirety.

Admittedly the Federal courts and their judges have a point of view that might not be on all fours with the responsibility of those of us in Congress. However, in addition to all the reasons recited by the Senator from New York, I think if in fact it is true that the Judicial Conference does oppose the adoption of this title in its entirety, it might persuade more of us here to support the amendment of the Senator from New York.

I hope that support is forthcoming.

I think his proposal, which narrows the reach of title I but does not go to the extent of the Judicial Conference and eliminate it entirely, is a sound suggestion.

Mr. GOODELL. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. GOODELL. Mr. President, I thank the Senator from Michigan for his very important support and for his enlightening statement. I also wish to thank the Senator from Kentucky. I think the question asked by the Senator from Kentucky should be answered. It is critical.

There are two essential points. First is the philosophical one. In title I, we are expanding the power of the grand jury over what it presently is. We would give them the power to not only determine whether a man has committed a crime. If a grand jury thinks there is enough evidence, they return an indictment. If not, they return a not true bill. The power we are talking about is the power to issue a report and name individuals in that report and charge them publicly.

And of course the right is given to that individual, if he wants to, to come in and raise his right against self-incrimination. If he wants to come into this inquisitorial hearing without his attorney and without being able to bring any witnesses he can do so.

This is an important amendment. This is an important infringement on the rights of local and State officials. How many of us would like to be a local or State official and be told, "We have some secret information in this grand jury. So and so called you up. You were involved." And a person would have no right to come into the grand jury without his attorney and deny it.

And after the grand jury issues its public accusations, without saying that one has committed a crime, because there is not enough evidence, a person can make a public denial at the same time.

What kind of right is that? What could be and would be done under my amendment is that if a Federal grand jury develops evidence that they think shows misconduct on the part of local and State officials, that evidence could be presented to the proper local or State officials, and not publicly disclosed and thus destroy a person's career. We cannot catch up with that kind of thing.

The report of the grand jury has the color of official sanction. The public never understands that they are rumors that have been heard and that the other side has not been heard.

This amendment would not in any way hamper the proper activities of the Federal grand jury to make a generalized report recommending certain changes in a community. They should not characterize a citizen in that community with reference to organized crime.

My amendment only goes to protect the right of individuals not to be charged without having the right to present their side of the case.

I think those two points sum up the matter. First, the philosophical one, that individuals should be given this right, and that a secret grand jury should not be able to impugn their good name until after they have had an opportunity to present their evidence.

Second, a Federal grand jury has no business making recommendations of this nature with reference to State or local officials. Its proper function is to refer the matter to State or local officials for whatever proper action should be taken.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. McCLELLAN. Mr. President, with reference to the Judicial Conference, the bill as originally drafted provided for a special grand jury all across the Nation. And the Judicial Conference did oppose that special grand jury. But this applies primarily to only the 13 districts of the United States, on a population basis, where organized crime has its foothold. That is what we are dealing with.

If a Federal grand jury finds something wrong, they are citizens of that community, and they have a proper interest. If they find that laws ought to be amended or if conditions there favor crime, it seems quite proper to do something. It cannot be made public until the man involved has an opportunity to come in and make his answer.

Mr. President, as far as I am concerned, I am ready to yield back the remainder of my time.

Mr. HART. Mr. President, will the Senator yield for 1 minute?

Mr. GOODELL. I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. HART. Mr. President, this measure would authorize a grand jury to report concerning noncriminal misconduct or misfeasance. What is noncriminal misconduct?

Mr. McCLELLAN. This language is almost word for word the language of the New York statute under which they have been operating for years. I do not wish to single out one State, but that is where we have the most organized crime. They found this language most helpful, and they reenacted the statute in 1964. We are using their exact language. If they can use it as a State statute, I do not know why we could not use it as a Federal statute.

Mr. HART. I was not inquiring as to what States have it. I am wondering if New York has a definition. What are we authorizing when there is reference to "noncriminal misconduct and noncriminal misfeasance"?

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. HART. I take it New York does not define that portion of the statute.

Mr. GOODELL. No.

Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. GOODELL. Mr. President, I think the point raised by the Senator from Michigan is extremely important. I respect very much the Senator from Arkansas and I think overall the committee did an excellent job to bring forth a bill to strengthen law enforcement in this country. The Senator referred to organized crime and a report on organized crime in a community. The provision I am attacking is not limited to organized crime. The grand jury could make a presentment with respect to noncriminal misconduct, whether it was related to organized crime or not, anything they might feel deserves the attention of the public and that they feel fits the term noncriminal misconduct.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. McCLELLAN. Mr. President, this would be a special grand jury convened for the very purpose of investigating organized crime. This power is conferred on that special grand jury and not a regular grand jury. It is hand and glove with this program we are talking about.

Mr. GOODELL. The language of the bill does not state that, but it does refer to any noncriminal misconduct. It states any noncriminal misconduct that this grand jury mentions in its presentment. It does not state it should be related to organized crime.

Mr. McCLELLAN. I do not know how one can separate them, but the whole purpose of the title in the bill and everything pertaining thereto is to deal with organized crime. That does not mean that a grand jury, if it found something else, could not return an indictment or make a report.

We are dealing with a specific problem, a grave problem in this country. There is a statute in New York to deal with the local situation there.

The PRESIDING OFFICER. All time of the Senator from New York has expired.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time. Let us vote.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 444) of the Senator from New York (Mr. GOODELL). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. McCARTHY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. Moss), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

Mr. SCOTT. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. JORDAN), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), the Senator from Idaho (Mr. JORDAN), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. PERCY), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. SMITH) would each vote "nay."

The result was announced—yeas 13, nays 59, as follows:

[No. 9 Leg.]

YEAS—13

Brooke	Hart	Ribicoff
Cooper	Hatfield	Stevens
Dominick	Kennedy	Young, Ohio
Fong	Metcalf	
Goodell	Mondale	

NAYS—59

Allen	Fulbright	Pastore
Allott	Goldwater	Pell
Anderson	Gore	Proxmire
Baker	Hansen	Randolph
Bible	Hartke	Russell
Boggs	Holland	Saxbe
Burdick	Hruska	Schweiker
Byrd, Va.	Hughes	Scott
Byrd, W. Va.	Jackson	Smith, Maine
Cannon	Jordan, N.C.	Sparkman
Case	Magnuson	Spong
Cotton	Mansfield	Stennis
Cranston	McClellan	Symington
Curtis	McGee	Talmadge
Dodd	McIntyre	Thurmond
Dole	Miller	Tower
Eagleton	Montoya	Williams, N.J.
Ellender	Murphy	Williams, Del.
Ervin	Muskie	Young, N. Dak.
Fannin	Nelson	

NOT VOTING—28

Aiken	Harris	Mundt
Bayh	Hollings	Packwood
Bellmon	Inouye	Pearson
Bennett	Javits	Percy
Church	Jordan, Idaho	Prouty
Cook	Long	Smith, Ill.
Eastland	Mathias	Tydings
Gravel	McCarthy	Yarborough
Griffin	McGovern	
Gurney	Moss	

So Mr. GOODELL's amendment was rejected.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, on passage of the bill, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GOODELL. Mr. President, I send another amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment of the Senator from New York will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 33, line 9, strike the word "was" and insert in lieu thereof the word "were."

On page 33, line 9 after the word "therein" insert the phrase "and any reasonable number of witnesses in his behalf as designated by him to the foreman of the Grand Jury."

Mr. McCLELLAN. Mr. President, may I ask how much time the Senator thinks he will take and if he is willing to agree to a limitation of debate on the amendment?

Mr. GOODELL. Mr. President, I would ask that the Senator not seek a limitation of time, because it will not take that long. I would like to speak on this amendment very briefly, the Senator from Arkansas can then answer, and then we can vote on it as far as I am concerned.

The PRESIDING OFFICER (Mr. SAXBE in the chair). The Senator may proceed.

Mr. GOODELL. Mr. President, the previous amendment I offered would have limited the power of a Federal grand jury simply to issue a report, naming names of people they found were not guilty of criminal conduct, but were guilty of "noncriminal misconduct." There is no definition of that term and it is not limited to involvement in organized crime.

If a grand jury, under the bill as it stands, decides that it wants to name names of individuals who are not going to be indicted who the grand jurors think have been involved in some misconduct, the bill provides they have to allow such individuals to come before the grand jury and state their side of the case. It does not provide that such individuals can have an attorney; it does not provide that they can present any witnesses whatsoever; and, of course, the individual who comes before the grand jury is essentially waiving his rights under the fifth amendment, testifying under oath in an inquisitorial context, with the cross examination of the district attorney and of the grand jury. This amendment provides that such an individual can present a reasonable number of witnesses in his behalf before the grand jury.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. GOODELL. I am happy to yield.

Mr. McCLELLAN. I am for the Senator's amendment. I am very glad to accept it.

Mr. GOODELL. I thank the Senator. When I have won a case, I know enough to say no more.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. COOPER. Mr. President, I shall take only a few minutes, but I told the Senator from Nebraska (Mr. HRUSKA) that I wanted to ask him general questions about titles II and III for purposes of interpretation.

The first question relates to the section on immunity.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. I refer first to title II on the immunity of witnesses. Is it correct that the power to grant immunity, according to this bill, would be vested not only in the courts, and in committees of Congress and also be given to administrative agencies? I ask the Senator, is the power at present provided to the administrative agencies?

Mr. HRUSKA. It is my understanding that it is.

Mr. COOPER. Is it correct that under present law, if immunity is granted, while it will not prevent the prosecution of a witness, it would prevent the use of any evidence that he gave, or any exploitation of that evidence against him?

Mr. HRUSKA. It would prevent the use of it. Under the bill, it is my understanding that such disclosure cannot be used at a later time.

Mr. COOPER. No evidence that he gave, or any information obtained by reason of such evidence, can be used against him in a future prosecution?

Mr. HRUSKA. That is my understanding.

Mr. COOPER. Then I ask the Senator, in what way does this provision extend or enlarge the present rule?

Mr. HRUSKA. The present rule is blanket immunity from prosecution as to anything having to do with that particular subject. This bill grants immunity only from the use of such testimony or evidence or anything derived therefrom. But if there is some evidence or some testimony that can be obtained from other sources than that, there is no immunity.

Mr. COOPER. Independent sources?

Mr. HRUSKA. Independent, disassociated sources.

Mr. COOPER. I take the Senator's interpretation to be, then, that this evidence, obtained from him—in a way by coercion—shall not be used against him?

Mr. HRUSKA. That is correct.

Mr. COOPER. My second question concerns the matter of recalcitrant witnesses—Title III.

This title, as I read it, would provide that the court, if a witness refuses to testify or to produce books, papers, affects information which ordinarily would be subject to a proper search warrant, can confine the witness in jail until he agrees to testify or to produce all books, documents, and so forth, that are asked for?

Mr. HRUSKA. That is right.

Mr. COOPER. Suppose, as the witness claims his protection under the fifth amendment. Before the imprisonment provision under title III can be used, does it mean that immunity would have to be granted him?

Mr. HRUSKA. If he had pled the fifth amendment?

Mr. COOPER. Yes.

Mr. HRUSKA. That is right. Then he would fall under the provisions of title II.

Mr. COOPER. Then title II would come into play?

Mr. HRUSKA. That is right.

Mr. COOPER. Before he could be confined?

Mr. HRUSKA. That is right.

Mr. COOPER. Is this process of confinement discretionary with the court, or is Congress attempting to provide mandatorily that the court must place such a person in confinement.

Mr. HRUSKA. It is discretionary. The language is "may summarily confine him."

Mr. COOPER. Then I ask, in what way does this title differ from the powers that a court has now to invoke civil contempt or criminal contempt?

Mr. HRUSKA. It does not differ. It is a codification of present law. But it has the added advantage that when the fifth amendment is asserted, then title II on immunity is brought into play.

Mr. COOPER. I thank the Senator.

Mr. BIBLE. Mr. President, certainly

one important segment of the American people who will applaud loudly the efforts of this Congress to deal more effectively with the growing crime menace across this land will be our 5½ million small businessmen and businesswomen.

Hearings I conducted last year as chairman of the Senate Small Business Committee showed that the majority of all crime was committed against the American businessman. Statistics this year show crime is costing our Nation $31 billion annually.

The American small businessman, those with receipts of less than $1 million a year, suffer by far the greatest share of all business losses.

Burglary losses cost $958 million annually with the small business absorbing 71 percent of the losses.

Shoplifting, costing $504 million annually, with the small businessman taking 77 percent of the loss. Vandalism, costing $813 million annually, with the small businessman taking 58 percent. Employee theft, costing $381 million annually, with the small businessman taking 60 percent. Bad checks, costing $316 million annually, with the small businessman taking 77 percent. Robbery, costing $77 million annually, with the small businessman taking 68 percent.

These figures do not include losses from organized crime, and we know that such a large percentage of all burglary, highjacking, and cargo theft is disposed of through "fence" operations controlled by organized criminal syndicates.

Mr. President, the Senate Small Business Committee plans during the coming year to continue its work in exploring methods to assist the small businessman in dealing with crime, methods such as protective device systems, managerial measures to help the businessman protect himself, building security code procedures, architectural steps as a protective measure, insurance recommendations, burglar-proof devices, and so forth. Some of these recommendations were made in a report filed by the committee.

Organized crime, as our committee pointed out in its loan-shark hearings of 1968, infiltrates legitimate small business by lending at usurious rates of interest. We believe that the truth-in-lending bill gets at a part of this menace. During this session, the Small Business Committee will continue its examination into efforts to aid small business in its fight against the criminal. We wish to review the role of the fence in burglary, highjacking, and cargo theft operations. We also hope to examine credit-card and bad-check frauds which are estimated to cost the small businessman $500 million per year. One of the country's largest retail chains has revealed that credit-card bad-check frauds cost this firm $24 million per year.

The tentacles of crime are widespread, but we must hack away at them; and I believe the Senate in passing the pending bill will take a long step in that direction.

Over the years, it has been my privilege to work and consult with my distinguished friend and colleague, the Senator from Arkansas, in the development of anticrime legislation. He is without question the Senate's outstanding expert in the legislative war on crime. I congratulate and commend him for his characteristic leadership in bringing forth this vitally important bill.

In the course of this debate, organized crime in the United States has been characterized as one of the most pervasive problems facing the Nation—as a cancerous growth eating away at the heart and substance of our society—as a parasite feeding on the poor and reaping huge profits from illegal gambling, the drug traffic, loan sharking, and the corruption of legitimate business enterprises. Its methods range from hoodlum intimidations to armed violence and murder.

I agree with all that has been said. Organized crime is all of this—and more.

I think, however, that the blackest aspect of this whole sordid business has been the ability of organized crime—and I speak particularly of its leaders, the bosses and the upper echelons of the Cosa Nostra—to flout the best efforts of our law enforcement and judicial authorities. The President's Crime Commission report of 1967 and thousands of words of testimony before our investigating committees have given the Nation a truly amazing amount of information and knowledge concerning the inner structure, methods, and misdeeds of organized crime.

Yet, with all our knowledge we have had entirely too little success in stamping out the organized criminal.

Clearly, we need new weapons to wage an all-out and more effective war on the organized criminal.

The special merit of the bill now before the Senate is that it will give us such weapons.

Its provisions: for special grand juries; for grants of immunity to overcome claims of self-incrimination; for dealing with recalcitrant witness; for dealing with false declarations before grand juries and the courts; for the protection of witnesses and those dealing with syndicated gambling, the corruption of legitimate organizations, and special penalties for habitual offenders.

All of this is vitally needed to overcome deficiencies in our present arsenal of weapons usable in combating organized crime.

These proposed improvements are the result of diligent study and preparation by the dedicated members of the Subcommittee on Criminal Laws and Procedures and its very able staff.

I understand the Department of Justice supports each and every title of the bill as reported by the committee.

No greater challenge faces the Senate than to continue its past record of moving vigorously to combat crime and strengthen the hand of justice throughout the land.

This legislation is our opportunity to strike an effective legislative blow, and I join the distinguished Senator from Arkansas in urging that this critically important measure be given the Senate's unanimous approval.

Mr. WILLIAMS of New Jersey. Mr. President, one clear lesson of history is that a nation can be destroyed by its own corruption, degeneracy, and chaos. This enemy within can conquer a people just as decisively as can an outside aggressor. The best-known examples are the Greek and Roman Empires and the Third Reich. But 26 centuries ago the prophet Ezekiel saw the death of his own beloved country as a divine judgment upon its moral decay, in words that have a direct meaning for us today:

> Because the land is full of bloody crimes and the city is full of violence, . . . I will put an end to their proud might, and their holy places shall be profaned. When anguish comes, they will seek peace, but there shall be none. . . . (T)he law perishes from the priest, and counsel from the elders(.) . . . and the hands of the people of the land are palsied by terror. (Ezekiel 7: 23–27.)

Crime has become a cancer threatening the life of the body politic of the United States. The Uniform Crime Reports for January–September 1969, issued by the Federal Bureau of Investigation, summarize the continuing sharp rise in violent crimes:

> The Crime Index recorded an 11 percent increase nationally during the first nine months of 1969 over the same period in 1968. As a group the violent crimes increased 12 percent, led by forcible rape up 17 percent, robbery 15 percent, and aggravated assault and murder 9 percent respectively. The voluminous property crimes witnessed an overall 10 percent rise, with larceny $50 and over up 20 percent, auto theft 11 percent, and burglary 4 percent. Firearms were used to commit 65 percent of all murders during the first nine months of 1969 and 23 percent of the aggravated assaults. Serious assaults with a firearm rose 11 percent in 1969 over 1968.

It should be noted that these percentages are based on statistics of "offenses known to the police." While we are, therefore, dealing with "raw" information that requires further analysis, we should also be guided by the judgment of the President's Commission on Law Enforcement and Administration of Justice in its 1967 report that "for the Nation as a whole there is far more crime than ever is reported." (The Challenge of Crime in a Free Society, p. v; see also pp. 20–22.) Moreover, percentages are sterile. We should recognize, for example, that we are talking about human lives violated or destroyed. In 1968, there were 141 victims of aggravated assault and almost seven persons murdered, for every 100,000 people in the United States. Property losses exceeded $1 billion.

Shall there be peace in America? Or must we succumb to anguish and terror? Will law continue to evolve in securing equal protection for all, or must it perish through inadequate enforcement?

With the enactment of the Omnibus Crime Control and Safe Streets Act of 1968, Congress directed the Federal Government to launch an all-out attack on violent crimes and offenses against property. Recognizing that the police power is basically reserved to States and local jurisdiction, this Federal effort has focused on law enforcement assistance. In particular, planning and action grants, under title I, were to be distributed to the States by the Law Enforcement Assistance Administration—LEAA—of the Department of Justice. In fiscal 1969 the LEAA provided $19 million in planning grants to the States, and later disbursed

$29 million in action grants. Under a formula in the act developed by the Senate, the States were to make 40 percent of the planning funds and 75 percent of the action grants available to local governments.

However, in his excellent address to the Senate on November 21, 1969, Senator VANCE HARTKE took note of several in-depth studies highly critical of the administration of the State bloc grant programs administered by LEAA's Office of Law Enforcement programs. Senator HARTKE concluded that funds are not being channeled to communities which have the highest incidence of crimes. Rather, funds are being spread out across the States to a newly generated layer of government known as regional planning boards, which have shown a limited sensitivity to the problems of local governments. And all too often, State plans give the appearance of police equipment "shopping lists," instead of comprehensive programs that seek improvements also in the courts and in correctional systems.

As an original cosponsor of Senator HARTKE's bill, S. 3171, to amend section 306 of title I of the Omnibus Crime Control and Safe Streets Act, I strongly support these proposed correctives which would give the States a strong incentive to propose comprehensive plans that deal adequately with the special problems of major urban areas and other areas of high crime incidence, and to insure that the States bear their fair share of the non-Federal costs of this program. Another amendment would guarantee the essential long-term commitment by the Federal Government to title I law enforcement assistance programs, through establishing a 3-year authorization.

I am seriously concerned that the effectiveness of the law enforcement assistance programs be substantially improved, with particular emphasis placed upon their comprehensive nature as originally dictated by Congress. One dimension of this comprehensive approach must be an expansion of advanced education in law enforcement disciplines, techniques, and associated community problems. Such an effort would be significantly enhanced under the Comprehensive Community College Act, S. 1033, which I have introduced.

Decisive Federal action is immediately required to deal with the threat to society posed by organized crime.

Organized crime in America operates to frustrate the statutes and procedures of Criminal law, and it is profoundly injurious to the public welfare. Establishing its own "government" and tightly knit but almost invisible "society" of some 26 crime syndicate families, it is attempting to nullify State and local governments and is tearing the moral fabric of our society.

Therefore, to the forces of organized crime let the message be absolutely clear: In enacting the Organized Crime Control Act, the Congress of the United States is declaring war on your criminal schemes. You are the enemy within, and you will be brought to justice.

An attack upon organized crime requires the total efforts of Federal, State, and local governments working closely together. The Organized Crime Control Act will greatly facilitate the war on organized crime by bringing this covert society out into the glare of the public spotlight and by preventing its sophisticated techniques to delay or thwart our criminal justice procedures. By improving the means by which witnesses, testimony, and other materials are secured, the links in the chain of evidence will be more readily forged, leading to the conviction of the leaders of organized crime, who have so long avoided even prosecution. It is essential that these revisions in our criminal justice procedures be directed explicitly at organized crime activities. It is essential that adequate protection of constitutional rights be provided. And it is mandatory that the open contempt for law by the crime syndicate be faced down at once, or our system of criminal justice will lose the essential respect of our citizens.

For too long have Government and the citizenry of the United States been guilty of the crime of omission, seeing organized crime as a limited problem, or not being disturbed because the operations of the crime syndicate did not appear to cause us personal injury. But now we recognize that the public welfare is directly threatened, as these 26 families operate in wholesale narcotics distribution, gambling, loan sharking, and more recently in the takeover of legitimate businesses. The tentacles of organized crime have grasped hold of public institutions and economic sectors throughout the Nation, threatening to strangle the life of a decent society.

While certain provisions of the Organized Crime Control Act may raise serious constitutional issues, I expect that proper and reasoned administration of the law by the Department of Justice and the courts will protect our basic rights. I am concerned that political factors may have prevented the inclusion of certain provisions to insure that this act would operate with greater effectiveness. I have particular reference to the need to establish an Organized Crime Division in the Department of Justice under a new Assistant Attorney General. I believe this is essential for waging a sustained war on organized crime, not subject to the ebb and flow of personal interests of high officials, and for marshaling the necessary manpower and resources. Therefore, I joined Senator TYDINGS in sponsoring the amendment to the Organized Crime Control Act to establish this new Division, in the belief that an antiorganized crime program requires this high-level commitment subject to annual scrutiny by Congress. I regret that this amendment was not agreed to.

It is my intention to do all in my power to prosecute this war on organized crime. In an effort to strike at one of the most lucrative markets for the crime syndicate, the drug addict, I have introduced S. 1816, the Drug Abuse Prevention and Rehabilitation Act. I am encouraged by significant steps being taken in New Jersey to combat crime through its State Law Enforcement Planning Agency and State Investigations Commission, and will endeavor to give such efforts every possible assistance. I am also in correspondence with police officials in the State, obtaining their viewpoints on proposals for improvements in law enforcement education. I was pleased to have the opportunity to support the nomination before the Senate Judiciary Committee of Frederick B. Lacey as U.S. attorney for New Jersey, expecting that he would prove to be an effective chief law enforcement officer in the State.

Mr. President, an all-out war must be waged on organized crime now. Therefore, I support the Organized Crime Control Act.

Mr. MANSFIELD. Mr. President, sometimes I wish I were a lawyer. At other times I am very glad that I never entered that profession.

We have now spent 3 days on this bill, with the lawyers, by and large, arguing over the fine points of the proposed legislation which has been a year in the making.

Undoubtedly there are bugs in this bill, as there are in almost any bill which the Senate passes. But I think the issue is so important that, insofar as the bugs are concerned, we might well consider resolving our doubts in favor of the legislation, so that we can attack a menace which is becoming more and more difficult to cope with in this city and in this Nation.

Therefore, I hope that the Senate will go on record today with a solid vote of support for this legislation, so that we can indicate that we are ready to cope with the growing criminality which is becoming so prevelant and so hard to control throughout the Nation, and do it with a big bang today.

Mr. PASTORE. Amen.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry. I know it is late, but for the information of the Senate, we are going to be in at 10 o'clock tomorrow morning. So I withdraw my parliamentary inquiry.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator

from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. Moss), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH), would each vote "yea."

Mr. SCOTT. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. JORDAN), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Idaho (Mr. JORDAN), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. MUNDT), the Senator from Kansas (Mr. PEARSON), and the Senators from Illinois (Mr. PERCY and Mr. SMITH) would each vote "yea."

The result was announced—yeas 73, nays 1, as follows:

[No. 10 Leg.]

YEAS—73

Allen	Fulbright	Nelson
Allott	Goldwater	Pastore
Anderson	Goodell	Pell
Baker	Gore	Proxmire
Bible	Hansen	Randolph
Boggs	Hart	Ribicoff
Brooke	Hartke	Russell
Burdick	Hatfield	Saxbe
Byrd, Va.	Holland	Schweiker
Byrd, W. Va.	Hruska	Scott
Cannon	Hughes	Smith, Maine
Case	Jackson	Sparkman
Cooper	Jordan, N.C.	Spong
Cotton	Kennedy	Stennis
Cranston	Long	Stevens
Curtis	Magnuson	Symington
Dodd	Mansfield	Talmadge
Dole	McClellan	Thurmond
Dominick	McGee	Tower
Eagleton	McIntyre	Williams, N.J.
Eastland	Miller	Williams, Del.
Ellender	Mondale	Young, N. Dak.
Ervin	Montoya	Young, Ohio
Fannin	Murphy	
Fong	Muskie	

NAYS—1

Metcalf

NOT VOTING—26

Aiken	Harris	Mundt
Bayh	Hollings	Packwood
Bellmon	Inouye	Pearson
Bennett	Javits	Percy
Church	Jordan, Idaho	Prouty
Cook	Mathias	Smith, Ill.
Gravel	McCarthy	Tydings
Griffin	McGovern	Yarborough
Gurney	Moss	

So the bill (S. 30) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, may I be the first to take my hat off to the senior Senator from Arkansas (Mr. McCLELLAN) for the outstanding service he has performed to this body and to the Nation as a whole. His leadership on this bill, S. 30, the Organized Crime Control Act of 1970 was absolutely outstanding.

This measure is designed to augment the fight against crime. I am not an expert in crime control. I am not even a lawyer, but I understand that this proposal complements very well the Omnibus Crime Control and Safe Streets Act of 1968. In this regard, it is designed to cut down on the activities of those engaged in organized crime. It gives our enforcement officials some vital assistance. It certainly is my hope and the hope of every Member of this body, that it will meet with the greatest success.

I would urge the other body to act expeditiously in considering this matter. I believe it represents a constructive effort and a cooperative effort. Certainly there was the cooperation by Members on both sides of the aisle. Cooperation certainly existed between Congress and the administration.

The important factor is that the crime problem is being faced. It is a problem of great concern. In the past year alone crime has risen dramatically in many of the cities of this country. In the weeks and months ahead it will be our task to attempt in every way possible to stem and reverse this trend.

The measure just adopted by the Senate will aid immensely in this effort. Senator McCLELLAN deserves the gratitude of this entire body for his outstanding leadership. The Senate is grateful as well for the efforts of the senior Senator from Massachusetts (Mr. KENNEDY) who offered his own strong and sincere views on this measure. Senator KENNEDY along with the senior Senator from Michigan (Mr. HART) and the Senator from New York (Mr. GOODELL) are to be commended for their contributions to the discussion.

I think the entire Senate may be proud of this effort, of this great achievement. It was obtained expeditiously and with full regard for the views of every Member.

ORDER FOR ADJOURNMENT TO 10. A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTROLLED DANGEROUS SUBSTANCES ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 609, S. 3246.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (S. 3246) to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD obtained the floor.

Mr. MANSFIELD. Mr. President, may I suggest the absence of a quorum, without the Senator from Connecticut losing his right to the floor?

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, will the Senator from Connecticut yield, so that I may ask a question of the Senator from Montana?

Mr. DODD. I yield.

Mr. ALLOTT. Did the Senator make a request for the Senate to convene at 10 o'clock tomorrow morning?

Mr. MANSFIELD. Yes.

Mr. ALLOTT. Will the pending bill be the legislation tomorrow morning?

Mr. MANSFIELD. Yes; the Controlled Dangerous Substances Act of 1969.

Mr. ALLOTT. I appreciate the courtesy of the distinguished Senator from Connecticut and I thank the Senator from Montana.

Mr. HUGHES. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am happy to yield to the Senator from Iowa.

Mr. HUGHES. Mr. President, it had been by intention to ask for a referral of the bill now before the Senate to the Committee on Labor and Public Welfare.

In discussing this with the Senator from Connecticut, who chaired the subcommittee that conducted the hearings on this bill, I believe that we have arrived at a conclusion that, though not entirely satisfactory to either of us, will help us mount a total approach to the problem of narcotics addiction and drug abuse in the country.

I appreciate and share the determination of the administration and of my colleagues of both parties to expedite legislation to meet one of America's most terrifying problem areas.

I would have you know, Mr. President, that I would not have considered the motion I intended to make if I did not believe with all of my heart that this is a matter of life or death to our shared objective of taking decisive action to meet the drug problem in the United States.

Let me explain the reasons I feel this way.

This bill, S. 3246, was introduced by the Senator from Connecticut (Mr. DODD), for himself and the Senator from Nebraska (Mr. HRUSKA) on December 16, 1969. On that same day it was read twice, referred to the Judiciary Committee, and reported by the Senator from Connecticut without amendment.

The bill is in fact an outgrowth of Senator DODD's earlier bill, S. 1895, and the administration bill originally introduced by the late Senator from Illinois (Mr. Dirksen) and the Senator from Nebraska (Mr. HRUSKA) as S. 2637.

Both of these earlier bills had been referred to the Committee on the Judiciary. Hearings were held before its Subcommittee To Investigate Juvenile Delinquency beginning on September 15 and concluding on October 20, 1969.

The reference of these measures to the Committee on the Judiciary was apparently on the basis of its jurisdiction over "revision and codification of the statutes of the United States" under rule XXV of the Standing Rules of the Senate. In fact, these bills, and the original bill reported by the committee, are not a "revision and codification" as those terms are normally understood. The bills make extensive changes in the present laws relating to narcotics, marihuana, and drugs now subject to the Drug Abuse Control Amendments of 1965 to the Food, Drug, and Cosmetic Act.

The report of the Committee on the Judiciary on S. 3246—Report No. 91-613—begins with the assertion, quite accurately, that it has had "under consideration legislation to protect the public health and safety by amending the narcotic, depressant, stimulant, and hallucinogenic drug laws," and the bill itself is denominated "a bill to protect the public health."

I believed, therefore, that before action is taken by the Senate on this legislation, it should be referred to its Committee on Labor and Public Welfare, pursuant to that committee's jurisdiction over legislation relating to the public health. Such referral would have been entirely consistent with the traditional procedures of the committee system in the Senate when dual jurisdiction occurs.

In the executive branch, the responsibility for drafting this legislation was given to the Department of Justice. It was felt necessary to collect in a single statute the laws relating to narcotics, marihuana, and other so-called dangerous drugs as a further step in the 1968 reorganization plan which transferred to a new bureau in the Department of Justice the drug law enforcement functions formerly assigned to the Bureau of Narcotics in the Treasury Department and the Bureau of Drug Abuse Control of the Food and Drug Administration.

I do not question that the collection in one place of these scattered laws—passed over a period of many years and not wholly consistent in their provisions—is probably desirable. Neither do I question that the sweeping revisions of criminal penalties, procedures for the issuance of search warrants, and authorizations for search without either warrants of notice, should not be undertaken without the Senate having had the benefit of the recommendations of its Committee on the Judiciary.

However, there are extensive provisions in this bill which relate not to law enforcement but to matters of public health; and it seemed to me that these are areas on which the Senate should not act without the benefit of the recommendations of its Committee on Labor and Public Welfare.

Let us consider the extent to which this bill involves matters of medical science. It authorizes the Attorney General to subject drugs to the special controls under the bill, or to change the regulatory status of a particular drug under the bill, and specifically directs that, in order to do so intelligently, he must consider scientific evidence of its pharmacological effect, the state of current scientific knowledge regarding it—its psychic or physiological dependence, liability, and generally, the risk to the public health from the drug's abuse—section 201(a), page 12. The committee's report recognizes that this is a highly controversial delegation of authority. The report, on page 5, states:

> There has been a point of controversy evident among the professions involved in drug control and drug research on whether or not the Justice Department has the expertise to schedule or reschedule drugs since such decisions require special medical knowledge and training.
>
> This difficulty is resolved by the provision contained in this title which requires the Attorney General to seek advice from the Secretary of Health, Education, and Welfare and from the Scientific Advisory Committee on whether or not a substance should be added, deleted or rescheduled with respect to the provisions of the bill.

I must admit, in all frankness, that this is one practical way to resolve the issue. But it is not the only way. And I am deeply convinced that it is the wrong way, if we are really determined to get at the roots of the drug problem in America.

The bill establishes four separate schedules of drugs, based on their relative medical usefulness and the extent of their potential for abuse. Neither the standards used for the assignment of drugs to particular schedules nor the makeup of the schedules themselves correspond to those under existing law.

However, and this is even more significant, neither do they correspond to the recommendations of the World Health Organization's Expert Committee on Drug Dependence nor of the United Nations Commission on Narcotic Drugs, which is meeting today in Geneva to complete work on an international treaty called the International Protocol on Psychotropic Substances. The treaty will classify the nonnarcotic drugs covered by this bill and specify the measures which signatories of the treaty should undertake with respect to their control.

The bill authorizes the Attorney General to license the manufacture and distribution of any drug subject to its provisions and forbids their manufacture or distribution except pursuant to his license. With respect to drugs on two of the schedules, it authorizes the Attorney General to establish production quotas for each drug after determining the amount of the drug which will be required for medical, scientific, and industrial purposes in the United States—section 306, page 35.

The bill directs the Attorney General to carry out education and research relating to the effects of dangerous drugs and relating to the identification and description of their abuse potential—matters wholly scientific and, more particularly, medical in nature. It authorizes him to enter into contracts for educational and research activities without limitation as to their nature or cost, and without requiring any consultation as to possible duplication of existing programs of other agencies.

The bill gives to the Attorney General a virtual veto over scientific and medical research with these substances.

Finally, the bill establishes a committee on marihuana to conduct studies and research into its pharmacology and medical and social effects—section 801, page 87.

The foregoing only illustrates the extent to which this bill involves directly questions of public health and the extent to which it involves the Department of Justice in the making of essentially scientific decisions, in the control and direction of scientific research, and in the direction of public educational campaigns.

While extensive hearings were held before the Subcommittee To Investigate Juvenile Delinquency, under the chairmanship of the Senator from Connecticut (Mr. DODD), and witnesses from the scientific agencies of the Government were heard, a cursory study of this legislation and of the record of the hearings indicates that not a single significant change was made in the legislation originally recommended by the Department of Justice. Furthermore, I can find no criticism or recommendation originating with any witness, other than those of the Department of Justice, that was incorporated in this bill.

This measure—in concept, in spirit, and in detail—is a law-enforcement measure. It only approaches one side of the problem of drug abuse. It seeks to cure, by criminal penalty, ills that also need scientific research and medical treatment. And to the extent that it recognizes the necessity for such research and such treatment, it commits the responsibility for those functions to a law-enforcement agency rather than to a medical or scientific one.

So I appeal to my colleagues to also let medicine be heard. Let science also be heard. Let medical science be heard before a committee whose responsibility is medical science and whose primary concern is the medical and scientific aspects of the problem in this country.

That consideration will result in recommendations for legislation in the future. I ask nothing more than the opportunity for the Committee on Labor and Public Welfare to bring its proposals before the Senate and to have them considered equally. I think this is vitally important.

Hearings on similar legislation have not yet been held in the other body. In this connection, it is interesting to note that the administration proposals are being considered in the House by its Committee on Interstate and Foreign Commerce—whose jurisdiction over health matters parallels that of your Committee on Labor and Public Welfare—and also by its Committee on Ways

and Means, because of its jurisdiction over the Narcotic and Marihuana Tax Acts which this bill would repeal.

The problem of drug abuse has already been subject to extensive hearings before the Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare. It can therefore consider the detailed provisions of legislation against an extensive background of knowledge of the scientific and social aspects of the problem of drug abuse—a necessary corollary to the law enforcement aspects which understandably preoccupied the Committee on the Judiciary.

It is contemplated that we are here enacting permanent legislation, long-term provisions to arrest and reverse the worsening pattern of drug abuse. Let us then be equally concerned for the ways in which medicine, science, and education can best contribute to our common goal.

Mr. President, the questions of jurisdiction and of content of this bill bring the drug problem U.S.A. into sharp focus for the first time.

What we have before us is a law enforcement bill which is directed at a problem area of public health, and certainly also one of law enforcement in relation to the distribution of products.

I do not question the need for improved enforcement.

I do not question the need for revision of the various statutes providing penalties for drug and narcotics possession and traffic.

I do not question the need for beefing up our enforcement capabilities in these areas.

But when we have done all of these things, Mr. President, we still have not come to grips with the central problem—the health problem of drug abuse and narcotics addiction.

Addiction is a disease first; we have made it a crime by statute.

What are we going to do about curing the disease?

The bill before us, S. 3246, changes nothing basic.

We already have tough laws and strict enforcement; this bill toughens some of the laws, moderates others. Grant that it is an improvement.

We still have not come within a country mile of solving one of the Nation's most grievous problems.

We are simply doing more of what we have already been doing.

And the record is clear—this course has not been successful by itself.

The Senate Labor and Public Welfare Subcommittee on Alcoholism and Narcotics has held hearings on drug abuse and narcotics addiction in Washington, Los Angeles, Denver, and New York City.

We have heard scores of qualified witnesses—doctors, psychiatrists, hospital superintendents, addicts from all walks of life, penologists, lawyers, and judges.

The thrust of all of this testimony is that the big hiatus in our approach to the drug problem is that we have failed to provide adequate programs of treatment, rehabilitation, education, and prevention to enable sick people to kick this dread disease or avoid it in the beginning.

We can assemble a narcotics squad as big as the Russian Army.

We can fill our prisons to the overflowing, and we can build more costly security facilities.

We can revise our laws.

But we are already going this route.

And we have seen that neither severity of the law nor diligence of enforcement—in the absence of attention to the fundamental health problem involved—will cure, prevent, or even effectively deter people from obtaining and abusing drugs and narcotics.

I submit, Mr. President, that coupled with the commendable enforcement provisions of this bill we need action on the health front to solve the basic problem in this country. I submit such action should be under the jurisdiction of qualified doctors and scientists and professional health administrators. Let the Justice Department handle enforcement problems and let qualified professional ment in Health, Education, and Welfare handle problems in their assigned areas.

In his message of July 14, 1969, to the Congress on "The Drug Problem," President Nixon outlined how, in the last decade, "the abuse of drugs has grown from essentially a local police problem into a serious national threat to the health and safety of millions of Americans." The President cited the need for additional programs of research, education, and rehabilitation, rightly stating, "It has been a common oversimplification to consider narcotics addiction, or drug abuse, to be a law enforcement problem alone."

With full respect for the distinguished and dedicated Members of this body who have worked on this legislation long and ably in a job well done, I would tell them bluntly that, if we put this legislation into effect without other adequate legislation for getting at the roots of the drug problem, we will have failed in our stated aim. We will have done only part of the job, and we will have locked ourselves on a course that has already failed dramatically to arrest the terrible growth of drug abuse and narcotics addiction in America. The well-being and perhaps the very survival of oncoming generations is at stake.

Mr. President, I no longer intend to make a motion to refer this legislation to the Committee on Labor and Public Welfare. I have discussed with the distinguished Senator from Connecticut the serious problems in this field that are matters of jurisdiction of the Committee on Labor and Public Welfare of the Senate.

I have serious concern in connection with the delegation of certain authority to the Attorney General. I would welcome the opportunity to discuss with the distinguished Senator from Connecticut and the distinguished Senator from Nebraska, or any other Senator, some of the points I have raised in this presentation.

Mr. DODD. Mr. President, I commend the Senator from Iowa for his statement. I am pleased that he is not going to ask that the matter be referred to another committee, even for a short period of time.

I think the Senator will find that I and the Senator from Nebraska are in great sympathy with the views expressed by the Senator from Iowa. The Senator from Nebraska is here. I know he has to catch a plane and that he would like to be heard on this subject. I yield to him at this time.

Mr. HRUSKA. I thank the Senator from Connecticut. He is his usual courteous self.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, does the Senator from Iowa still have the floor?

Mr. HUGHES. The Senator from Connecticut yielded to me for a statement. I hope we will have an opportunity later to develop some of these points. The Senator from Nebraska, I understand, asked, as a point of convenience, to be heard.

Mr. KENNEDY. Fine.

Mr. HRUSKA. Mr. President, we have here a very grave problem. Everyone in the Senate and in the Congress is well aware of this fact. It is a problem that has an impact which is great and vast in scope, geographically, and through all segments of the population, as all of us know.

In most legislative proposals that are as big as this one there is normally an area in which we find room for the argument that there is an overlapping of committee jurisdiction. That is particularly true in this situation, as has been outlined by the Senator from Iowa so well.

Originally the bill proposed by the Senator from Connecticut was encyclopedic in extent, very ambitious, and it considered the entire gamut of the problems which arise from the abuse of drugs and dangerous substances. This was justifiably from the standpoint of trying to get something into one piece of legislation so we can tie into this subject and deal with it intelligently and effectively. As time went on, however, it was realized that was not the practical way to do it. Certainly, in the judgment of the Department of Justice that was true when they had analyzed the situation from a number of aspects, to which I shall refer soon.

When there were further discussions with the Senator from Connecticut, this Senator, and other Senators, it was realized there are two separate and distinct problems and fields of endeavor that should be treated separately. That does not mean they are exclusive of each other. There will be overlapping and duplication of points. But there will be these two general classifications. One, there is the thrust of law enforcement upon the problem at hand. That would be the immediate problem. The long-range consideration would consist of those activities which would take longer to develop and even longer to manifest themselves in some sort of result that will bring an amelioration of the terrifically bad situation that exists among the population of America on abuse of drugs and dangerous substances. That would include rehabilitation, education, and research; and it would include the scientific effort to learn more about all these things; and, at that time, legislation in

both of these categories in light of the findings of the scientists, and so forth.

Insofar as the enforcement of the drug laws of America are concerned, as they exist now, we know that basically the sanctions and penalties for the illegal acts are pretty much based on a law that is almost 60 years old, the Harrison Narcotic Act.

In the tenure of both the Senator from Connecticut and this Senator we have witnessed various amendments that have been made to that basic law, particularly in the field of penalties and penology, as well as some new substances. These were very unsatisfactory. It must be brought up to date, and it has to be modernized to include many new substances and substances considered dangerous and not yet in use, which will develop as time goes on. Then, there must be some scheme or system of penalties for those who do not obey regulations and the requirements of the statute and other things covered in the bill.

Other features in the bill would include distribution, dispensing, importation, exportation, as well as administrative provisions and enforcement provisions. We have to have most of these things, virtually all of them, in order to write an immediate and effective law enforcement statute.

However, I would be the first to concur wholeheartedly with the Senator from Iowa on the proposition that to look at this situation alone is inadequate and it would be disastrous. I would be the first to subscribe to the proposition that I will lend any support I can to any supplemental effort, and even an effort that will dovetail with the bill before us, S. 3246, which will evolve from the Committee on Labor and Public Welfare or from any other source, because it is generally recognized that there is this second aspect of the longer range requirements that is so necessary in this field of rehabilitation, education, and research, trying to turn around the public attitude toward this entire problem for a real impact upon it.

Some of the provisions in the bill, for example, relate to the Attorney General's classifying drugs one way or another, which might fall within the purview of a measure coming from the Committee on Labor and Public Welfare, as a result of scientific efforts. No matter where it goes, there has to be an interplay between that Department and the Department of Justice. There just has to be. We recognize that in the bill because it is provided, on page 12, starting on line 12, that—

> Before doing so, the Attorney General shall request the advice in writing from the Secretary of Health, Education, and Welfare and from the Scientific Advisory Committee—

and so forth, whether this substance should be added, deleted, or transferred. That is a recognition of the proposition that there are many facets to this problem.

If that duty of rescheduling or adding or deleting should be vested in the Secretary of Health, Education, and Welfare, there would have to be a similar provision that, before he did that, he would have to consult with the Attorney General to see whether that reclassification would be practicable from the standpoint of law enforcement and from the standpoint of visiting penalties or sanctions, as the case may be.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the distinguished Senator from Iowa.

Mr. HUGHES. I appreciate the statements of the distinguished Senator from Nebraska and I agree in general with what he has said. My concern is in the area he is presently talking about, research and scientific information and consulting with the Secretary of Health, Education, and Welfare. I agree that the legislation provides for that. My concern is that if there is going to be research and scientific investigation in the Department of Health, Education, and Welfare, under the supervision of its Secretary, it would seem logical that he should do all of the research and investigation, and perhaps the Attorney General should seek from him advice and consultation on what drugs or narcotics they thought, from their best knowledge, should be reviewed.

That was the real question I was raising about the research provisions. In emphasizing this point, the Senator is performing a good service. That was one of my points of contention.

Mr. HRUSKA. I am in complete sympathy with that, but whether it is done in the way provided in the bill or another way, there would still be the necessity to go back and forth to reconcile differences to carry out the missions of the two departments.

Mr. HUGHES. Then the Senator agrees that this provision does not preclude the Secretary of Health, Education, and Welfare from scientific research and development.

Mr. HRUSKA. Absolutely. The functioning of the committee would not preclude that. In fact, I think it would encourage it. In my judgment, the way I have observed the way this matter works—certainly with the Department of Health, Education, and Welfare and other departments—there would be a conscious effort to avoid repetition and duplication.

Mr. HUGHES. Then the legislative intent would not be to give to the Attorney General total authority in this field?

Mr. HRUSKA. By all means. That is indicated on page 67 of S. 3246, subsection (1):

> The Advisory Committee shall be composed of persons selected by the Attorney General after consultation with the Secretary of Health, Education, and Welfare from a list drawn by the National Academy of Sciences.

First of all, the list will be furnished by the National Academy of Sciences. From that consultation between the Attorney General and the Secretary of Health, Education, and Welfare, they will work out a list suitable for the purposes at hand.

That is one of the brain children of the Senator from Connecticut, in common with many other provisions which he seeks to provide.

Mr. HUGHES. Would the Senators have any objection to allowing the Secretary of Health, Education, and Welfare to make some of those appointments, rather than simply consult about them?

Mr. HRUSKA. That is a possibility. I do not know that this is an arm's-length proposition. We used to talk a lot about a troika, but even a troika has only one driver. You can have three horses if you want to, but there is only one driver. For the purpose of administrative convenience, this is the formula that is used not only in situations like this, but elsewhere where there should be a focus of responsibility. That is the way it is.

I am confident, with the comity that exists between Cabinet members, there will be no difficulty. It will not be the case of one irresistible force against another object which would be immovable in character. There will be amicable settlements of any differences. If one feels greatly aggrieved, there is always the resident in the White House to contend with. Normally, he exerts a paternal and effective benefit toward differences and in working them out.

Mr. HUGHES. If the Senator will excuse a personal reference, I found, as chief executive of the great State of Iowa, that frequently men I appointed to different departments seemed to forget the man in the State house.

Mr. HRUSKA. I am sure that if such disagreements had manifested themselves sufficiently, the man in the State house would have called them by telephone and said, "Boys, come in here and let us reason together."

Mr. HUGHES. I think the points the Senator has made have clarified the situation. Perhaps, as I consult with the Senator from Connecticut, I may want to offer amendments in this area to reassure myself and to let the Senate work its will. Generally, this colloquy has been useful for clarifying the legislative intent. I think it has been very helpful.

I thank the distinguished Senator from Nebraska for yielding.

Mr. HRUSKA. I know we are all aware that, as the President referred to yesterday in his message, there have been some 13 proposals in the field of criminal law that were transmitted last year, and not one has reached a decision. This Chamber has done itself proud. I imagine half of those have been processed in this body, and with this one perhaps more than half of them; and we will let them go to another body that happens to be a part of this Congress. So we have done well.

Without assessing that situation one way or another, the point is we ought to get along with the law enforcement part of this task. There are others to follow, but the situation is grave, and I fear that if there should be a reference of this bill to another committee, even for the purpose of suggestions and guidance, delay would be involved. From that standpoint, I think it would be desirable—and I hope it is a part of the thinking of the Senator from Iowa—that there be dispatch and quick action.

Again, I want to thank the Senator from Connecticut for yielding to me as he has. I am sorry I cannot remain to hear what he is about to discuss, but we will catch up with him when he gets into the merits of the bill itself.

Mr. HUGHES. Mr. President, will the Senator from Connecticut yield to me?

Mr. DODD. In a moment. Let me say, because the Senator from Nebraska must leave, that I and all the members of the committee appreciate the great work that the Senator put into the bill. This was truly a nonpartisan measure in our committee. Everybody pitched in and produced the best possible piece of legislation, and the Senator from Nebraska deserves great credit for his contribution.

Mr. HRUSKA. I thank the Senator.

Mr. DODD. I yield now to the Senator from Iowa.

Mr. HUGHES. Mr. President, I would like to quote from the testimony of Attorney General Mitchell before the subcommittee on September 15, 1969, at page 213, to further support the considerations that we have been developing in this colloquy:

> In this legislation, however, we have not sought to incorporate all of the Government's research and educational efforts, but only those which relate to the functions of the Department of Justice. Crucial areas, such as the provision for treatment and rehabilitation of addicts and abusers, have not been included. It is believed that these are subjects which should be handled as separate and distinct legislative efforts.
>
> The Department of Health, Education and Welfare has the primary functions of providing for research, education and treatment in the field of drug abuse. To have placed all of these programs inone package would have been unwieldly and in our opinion very confusing.

According to my reference here, that is on page 213 of the committee's report.

Mr. DODD. Yes, I have it.

Mr. HUGHES. Is that what the Senator finds there? Have I quoted accurately from the Attorney General's testimony?

Mr. DODD. Yes, that is accurate. That is in the RECORD.

Mr. HUGHES. The Attorney General himself was not seeking sole jurisdiction in the fields of scientific research, education, and development of programs of public education in the country, but has recognized the separation of authority and the authority of the Department of Health, Education, and Welfare in these matters; is that correct?

Mr. DODD. That is absolutely correct. I am glad that the distinguished Senator has quoted the language of the Attorney General from the RECORD, because I think he establishes the position that we have taken here, and that is that we recognize that, the Department of Health, Education, and Welfare has the primary function of providing for research, education, and training in the field of drug abuse. That was and is our intent. It never has been our intention to do anything else with respect to research, education, and treatment in the field of drug abuse.

Mr. HUGHES. Mr. President, if the Senator will yield further, I should like to say that the distinguished Senator from Connecticut and I have met on numerous occasions over the last 6 months to discuss his particular approach on these pieces of legislation—his own bill, which was later let lie, and this bill taken up as the replacement for it and including, I believe, the majority of his original proposals in the field of law.

Mr. DODD. Yes.

Mr. HUGHES. And we thought we could reconcile the different approaches that we were taking to the drug abuse and narcotics addiction problems in the United States. It was with some reluctance that I arrived at a conclusion to seek jurisdiction over this particular piece of legislation, because I felt that there is a genuine jurisdictional question involved. But, as a result of the fact that both the distinguished Senator from Connecticut and the distinguished Senator from Nebraska (Mr. HRUSKA), had said that they supported the approaches we were taking in the subcommittee that I chair, and in the hope and belief that we can reconcile our other differences, I have not made such a request today.

Mr. DODD. Yes. I respond to the Senator from Iowa by saying, first of all, that he states the facts accurately and correctly, as he always does. I remember many meetings with the Senator from Iowa about this legislation, and I always found myself in agreement with him. I am in agreement with him today. I have no conflict with his view at all. I think that what he says about research, rehabilitation, and education is exactly right. The Department of Justice is not the executive agency responsible for these activities. It is within the province of the Secretary of Health, Education, and Welfare, as the Attorney General pointed out in his testimony.

This aspect of this drug problem is just as important—perhaps I should say that it is more important in the long run—than the law enforcement aspect of the problem. My recognition of the position of the Senator from Iowa goes that far. And I say, in no fulsome way, here in the Senate at this hour, that the Senator from Iowa is one of the most knowledgeable men in the field of narcotics addiction and the problems related to it. He knows a great deal about it, and his contribution to the solution of the problem has already been magnificent, in my opinion. I want to see him go ahead with his own legislation, after we have concluded our work on this law enforcement portion of the problem. I hope he will introduce his own bill, which will cover the aspects of rehabilitation, education, research, and information. I want to assure him that I will cooperate with him 1,000 percent.

That is my position on this problem. The legislation before us is a law enforcement bill. I did try to work into the original draft of the bill which I introduced last April rehabilitation and treatment features. I think they were good features, but, as the Senator from Nebraska pointed out after we had all mulled it over—and I see the distinguished assistant majority leader is present; he knows about this also—we concluded it would be better to keep this particular piece of legislation a law enforcement measure.

Let us get at those people who import and distribute these hard drugs, the smugglers, the peddlers and the pushers. That is the first thing we have got to do, and that is the reason we approached it this way.

As for myself, I want to say for the RECORD that I will lend my support to every effort on the part of the Senator from Iowa to adequately deal with the treatment, education, and information aspects of the problem.

Mr. HUGHES. If the distinguished Senator from Connecticut will yield further, I want to express my appreciation to the Senator for his own dedication to this particular problem, the great amount of work that he has given to it, and certainly the great value of his contribution to the people of this country. I appreciate his support. It has great value because of his vast experience in the fields in which he is presenting legislation today, which is certainly an area that must logically be covered.

There are certain areas of this bill, naturally, with which I differ. Generally, I support the thrust of it, and over the course of the next few days, we will independently develop our differences and our agreements. But I appreciate this opportunity for colloquy today, and I hope and expect that in the future my own subcommittee in the next few months will develop and bring forth massive legislation in the fields we have been talking about. That legislation, I hope, will be before the Senate sometime in April; and with that, then, we can complete a program which will be a total approach to this gigantic problem.

Mr. DODD. This is certainly good news, I am sure, to the entire Senate and to the Nation as well.

The Senator knows my respect and my affection for him. I am sure he understands that we will cooperate in every possible way to help him.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to commend the distinguished Senator from Iowa for his statement to the Senate on what I think is really one of the most important questions and problems that face us as a Nation and a society. I think that the Senate is the stronger for the kind of comments that have been made by the Senator from Iowa this afternoon, and is made a great deal stronger by the action that he has taken in his service as chairman of a subcommittee of the Committee on Labor and Public Welfare, that is concerning itself with alcoholism and with drugs.

Mr. President, I have the good fortune to serve as a member of the Committee on the Judiciary, and also on the Committee on Labor and Public Welfare. So, Mr. President, I have had the opportunity, on the one hand, to serve under the distinguished Senator from Connecticut (Mr. DODD), who has worked so hard and with such interest and such capacity in the development of this legislation, and also to serve on the subcommittee of the distinguished Senator from Iowa (Mr. HUGHES), and see his great ability brought to bear on this most searching question.

I, too, share the sentiments which have been expressed by the distinguished Senator from Iowa that, if we are really serious about meeting this problem in

terms of drugs and drug addiction, we cannot restrict the efforts of this body and of Congress as a whole solely to the field of law enforcement.

As the distinguished Senator from Iowa has stated, and as others have suggested who would have liked to see the proposed legislation move to the Committee on Labor and Public Welfare for a short period of time, we agree as to the importance of the alterations and changes in many parts of this bill—not all, but many parts of the bill. But as the Senator from Iowa has pointed out, in the fields of education, rehabilitation, and research, we have been reminded by those who are most closely concerned with this problem of the great importance and signifiance of addressing ourselves to these other questions as well.

Therefore, I would have supported the Senator from Iowa if he had exercised his parliamentary rights here to try to get this matter transferred for a short period of time. I thought his request was reasonable. But unfortunately, indications were given that there would be objection to any request for unanimous-consent agreement or other motion for referral. Therefore, he has taken this other road, and I respect his judgment in doing so.

Mr. President, I would certainly hope—and I think I speak for many Members of this body—that, having heard the distinguished Senator from Nebraska and the distinguished Senator from Connecticut voice their opinions about how important education, rehabilitation, and research are, we could move ahead in these areas, either on this bill or on other legislation in the near future, based on the extensive experience of the distinguished Senator from Iowa and on the experience of the committee he so ably chairs. I certainly would support the Senator from Iowa if he chooses to offer amendments to this bill.

I think that action on education and research and rehabilitation would be something which the administration should support. I am reminded that President Nixon made a similar comment to the distinguished Senator from Connecticut and the distinguished Senator from Iowa at the recent Governors' Conference on Narcotics at the White House. The President said:

When they—

Referring to the briefing meetings—

first started, I thought the answer was more penalties. I thought that the answer was simply enforce the law and that will stop people from using drugs. But it is not that. . . . The answer is information. The answer is understanding. . . . [A] campaign of education and information, in my opinion, is probably more important than criminal penalties.

As we begin this debate and the elaboration of the provisions of this bill, I, for one, certainly hope that during it we will benefit from the judgment, compassion, and knowledge that have been so amply demonstrated by the Senator from Iowa, whose interest and understanding in this issue are, I feel, above that of all others in this body; and I hope that in this session we will really come to grips with this problem and that we will meet our responsibilities to the American people in a more effective way.

When we pass the Controlled Dangerous Substances Act of 1969, we do not want to have some euphoria come over the American people that will cause them to say, "Now that we have passed a drug abuse act, nothing remains to be done." As has been brought out so ably by the Senator from Iowa, the Senator from Connecticut, the Senator from Nebraska, and the President of the United States, that really is only a part of a vastly complex, complicated, and weighty problem.

I salute the Senator from Iowa for the comments he has made here this afternoon. I express applause to the Senator from Connecticut for his views on this question and his sympathy, understanding, and appreciation for the approach to this problem that has been exercised by the Senator from Iowa; and, hopefully, we will see these sentiments reflected in legislation enacted by this Congress on this tremendously important subject.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. HUGHES. I would like to respond to the distinguished Senator from Massachusetts by saying that I am grateful for the very kind and learned comments he has just made. But, as I look further down this legislative path on which we are proceeding, when the bill goes to the House and the conference resulting, because of the procedures in this body, no members of the Committee on Labor and Public Welfare will be on the conference committee. They all will be from the Judiciary Committee, as the result of the assignment of the bill to that committee, unless the bill were referred to the Committee on Labor and Public Welfare.

Mr. DODD. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. DODD. When we get to that point, I think it would be proper to suggest that, when conferees are appointed, the Senator from Iowa and perhaps others from the Labor and Public Welfare Committee be made conferees.

Mr. HUGHES. That is a very generous gesture by the distinguished Senator from Connecticut, and it would be very helpful, indeed, if appropriate amendments were attached and adopted.

This has been one of my concerns as we look ahead down the legislative course this measure has to travel.

I apologize for taking so much of the time of the distinguished Senator from Connecticut. I appreciate his generosity in waiting to make his statement so that I could clarify my position in general support for the approaches that have been taken in the bill.

Mr. DODD. The Senator need not apologize. He has helped very substantially.

Mr. President, my remarks will be brief this afternoon. With the agreement of the assistant majority leader, I assume we could thereafter go over until tomorrow morning. I should like to make a few remarks about the matter we have been discussing.

Since I became chairman of this subcommittee in 1961 we have conducted 32 days of public hearings on narcotics, dangerous drugs, marihuana, peyote and LSD. We have taken testimony from 144 witnesses ranging from addicts and convicts, through doctors, lawyers, attorneys general and Governors. We have heard from experts at every step along the way.

As a direct result of that effort on July 8, 1965 the Congress adopted the Drug Abuse Control Amendments of 1965, which by the way did not cover marihuana, which established the Bureau of Drug Abuse Control under the Department of Health, Education, and Welfare.

That Bureau was recently merged with the Federal Bureau of Narcotics of the Treasury Department and by an Executive order of President Johnson was moved to the Justice Department as the Bureau of Narcotics and Dangerous Drugs. That means one-half of the Federal law enforcement personnel in existence today are a result of the 1965 bill.

In 1966 I introduced S. 2152, the Narcotics Rehabilitation Act which was signed into law on November 8, 1966.

The subcommittee has been investigating the current drug problem in addition to reevaluating the Federal laws relating to narcotics since early 1968. Hearings were held in March of 1968 and they resulted in the introduction, on April 18, 1969, of my bill, the Omnibus Narcotic and Dangerous Drug Control and Addict Rehabilitation Act of 1969, which is part of the legislation we are discussing today.

In addition to my bill, the Dirksen-Hruska bill was referred to the subcommittee and we quickly held hearings. We sat for 10 days and heard 30 witnesses.

I review this involvement of the subcommittee to investigate juvenile delinquency with narcotics addiction to indicate our decade of concern with what Senator HUGHES referred to as one of America's most terrifying problems.

Mr. President, in response to another comment of the Senator from Iowa, I must say that the bill before the Senate has no conceivable connection with welfare programs or labor problems or other areas which are the normal concern of the Labor and Welfare Committee.

The proposed legislation contains no provisions whatever for medical or psychiatric treatment or other rehabilitative services for those caught in the web of drug abuse.

S. 3246 is strictly and entirely a law enforcement measure. It is intended to deal with the control of the illicit drug traffic, the diversion of legal drugs into illegal and nonmedical channels, and the enforcement of the drug laws by the Justice Department, through its Bureau of Narcotics and Dangerous Drugs.

Provision is made for technical assistance to be provided by the Department of Health, Education, and Welfare, through the Food and Drug Administration and a Scientific Advisory Committee with regard to drug classification for enforcement purposes.

The bill represents a recodification of the Federal drug laws and places the necessary controls within one Federal statute.

It also revises the penalty structure for violations of the Federal drug laws,

consistent with the expert testimony given before the Juvenile Delinquency Subcommittee's exhaustive and lengthy hearings. The penalties provided are alined with the degree of abuse potential of each of the enumerated drugs.

S. 3246 has been subjected to extensive study and review. The subcommittee held 10 days of hearings on the bill, during which 30 expert witnesses were heard—lawyers in and out of Government; physicians; pharmacists; psychiatrists; social scientists.

The full Judiciary Committee only reported the proposed legislation out after a thorough and protracted study of all of its provisions.

The proposed legislation provides a regulatory schedule for the lawful manufacture, distribution, and dispensing of controlled drugs to furnish us with better law enforcement tools so that the rampant drug abuse problem can finally be curbed effectively.

It provides for international control mechanisms consistent with our international treaty obligations and commmitments.

To increase our knowledge of the drug syndrome in general, and reduce our scientific uncertainties about marihuana specifically, the bill provides for an in-depth study of marihuana for 2 years. The findings of this study will go a long way to remove present uncertainties which are reflected in today's wide range of penalty structures regarding this drug.

There is of course another side to the drug problem; beyond the necessity to control and prevent the drug abuse that is so rampant in our Nation.

There is a great need for detached, unemotional research; for education and rehabilitation of those who have become dependent on drug abuse of one kind or another, whether it is hard narcotics, amphetamines, barbiturates, or marihuana.

All these and particularly the problem of rehabilitation, will need further legislative proposals on the Federal level.

I am now planning to introduce legislation for the treatment of addicts and other drug abusers. It is a subject that should fall squarely within the purview of the Committee on Labor and Public Welfare to which it should be referred.

But it cannot be overemphasized that the bill before the Senate today is entirely concerned with enforcement.

It contains no medical or rehabilitative provisions.

It is designed to crack down hard on the narcotics pusher and the illegal diverters of pep pills and goof balls. And that is what it will do, but it has to be passed first.

The bill has the backing of the administration. Last fall, in a meeting with the President, it was given substantial bipartisan support by the Senate and House leadership.

S. 3246 should be acted upon now because the hour is late.

I am pleased that Senator HUGHES agrees that we should not delay this measure by having the long, hard work of the Judiciary Committee reviewed by yet another committee.

Mr. President, I now refer to Senator HUGHES' concern over the question of section 602 of S. 3246. It should be pointed out that the education and research function of the Attorney General is clearly limited.

In terms of the language of the bill itself that function is limited to "programs necessary for the effective enforcement of this act."

The effective enforcement of this act requires knowledge on the effects of drugs as they apply to the operation of enforcement.

The effective enforcement of this act requires education and training of enforcement officers.

It also involves education of the public regarding the law enforcement process in the drug field.

These are research and educational activities that have been recognized as essential for the operation of any law enforcement agency in the country.

They do not in any way infringe on the basic research, education, and treatment responsibilities of the Department of Health, Education, and Welfare.

They are staff functions that are a recognized and necessary part of any administrative organization.

It is in the nature of assessing and improving the execution of the act.

Finally, let me point out that the other parts of section 602, parts (b), (c), and (d) do not enhance the Attorney Generals role in drug education and research, but rather enable him to assist other agencies and other departments in carrying out these functions.

Mr. President, I would also like to comment on Senator HUGHES' references to the idea of putting all narcotic enforcement activities under the Justice Department.

Let me remind Senators in this Chamber that as far back as 1963 President Kennedy's Advisory Commission on Narcotic and Drug Abuse recognized the need to centralize drug control in the Department of Justice.

The Commission set forth the finding that "the present activity of the Federal Government regarding drug abuse is fragmented. The divisions, agencies, and bureaus of five Cabinet departments are involved."

It then made the following two major recommendations:

The Commission recommends that the functions of the Bureau of Narcotics relating to the investigation of the illicit manufacture, sale or other distribution, or possession of narcotic drugs and marihuana be transferred from the Department of the Treasury to the Department of Justice.

The Commission recommends that the responsibility for the investigation of the illicit traffic in dangerous drugs be transferred from the Department of Health, Education, and Welfare to the Department of Justice.

Although the Commission did recommend that limited drug control functions remain in the Department of Health, Education, and Welfare this proposal was negated by President Johnson's reorganization plan issued in 1968 which removed the Drug Abuse Control Bureau from the Department of Health, Education, and Welfare and placed all drug control in the Department of Justice.

President Johnson said:

Today, Federal investigation and enforcement of our narcotics laws are fragmented. One major element—the Bureau of Narcotics—is in the Treasury Department and responsible for the control of marihuana and narcotics such as heroin. Another—the Bureau of Drug Abuse Control—is in the Department of Health, Education, and Welfare, and is responsible for the control of dangerous drugs including depressants, stimulants, and hallucinogens such as LSD.

Neither is located in the agency which is primarily concerned with Federal law enforcement—the Department of Justice.

The Reorganization Plan No. 1 of 1968 was based on the finding that a separation of responsibilities "has complicated and hindered our response to a national menace."

To correct this problem the plan gave the Attorney General "full authority and responsibility for enforcing the Federal laws relating to narcotics and dangerous drugs."

I point to this to make it clear that S. 3246 is truly a bipartisan response to a grave problem.

I also want to repeat that this bill recognizes the legitimate responsibility of the Department of Health, Education, and Welfare in the area of drugs. This involves research, testing of drugs and treatment of drug users.

This responsibility is confirmed by the provisions of S. 3246 which require the "advice and consent," as it were, of the Secretary of Health, Education, and Welfare for establishing research plans and programs and for scheduling and rescheduling of drugs under S. 3246.

But, let me stress again that the control of the traffic in drugs involves law enforcement activity which is properly a function of the Department of Justice.

Efforts to separate drug law enforcement is based on the fallacy that it is possible to separate the controls over the criminal traffic in drugs on the one hand and the legitimate traffic on the other.

We have found in extensive hearings going back to 1965, that through the process of diversion, at some point the legitimate traffic in drugs or the legitimate flow of drugs becomes illegitimate.

This has been a serious problem through the years which requires enforcement activity that is and should be the jurisdiction of the Department of Justice.

This is the Department that deals with crime.

This is the Department that contains the investigators and law enforcement officers trained to cope with the narcotics and dangerous drug traffic.

And this is where narcotic law enforcement should remain.

Any effort to change the bill before us to the contrary will be a step backward rather than ahead in our effort to meet the drug challenge.

Mr. President, I would make one final comment on Senator HUGHES' statement that the bill before us does not reflect the concern of the Nation's health officials. I point out to him that scores of scientists and doctors were consulted prior to and during the preparation of this bill. That is why they did not object to it. In fact, that is why they have endorsed it.

Many of the top health officials in the United States testified before our subcommittee on the bill and endorsed it, including Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education, and Welfare; Dr. Stanley F. Yolles, Director of the National Institute of Mental Health; Dr. Sidney Cohen, Director of the Division of Narcotic Addiction and Drug Abuse, National Institute of Mental Health; and Dr. Henry Brill from the American Medical Association.

Finally, for the record, let me say to the Senator from Iowa that this is the best possible bill that we could produce. But if he has an amendment that will improve it, we will be happy to make it a part of this legislation. That may very well happen. I certainly have no hard or fast attitude about it at all.

I am certain that in the course of the debate tomorrow and next week, we can produce a measure that we can all agree is best for the country.

Let me say to the distinguished Senator from Massachusetts that I thank him for his great help along the line. He is a member of the Juvenile Delinquency Subcommittee and a very valuable one. He has rendered a great deal of service in his work on the bill, both in the subcommittee and in the full Judiciary Committee. I know of his great interest in this matter, and that he is aware we must work still harder to get a good piece of legislation out of this body.

Mr. KENNEDY. Mr. President, there was a time when drug abuse was something that happened in the shadows of the ghetto or in the unknown worlds across our borders to the south, or in strange foreign countries with unpronounceable names.

But now we know better. Drug abuse is a modern American blight, tragically fixed to the inner city, the affluent suburb, and the rural back county. It is here, it is now, and it is an unwelcome fact of life for millions of Americans.

The Senate should waste no more time in its efforts to combat drug abuse. Senator DODD has done a commendable job in developing the Controlled Dangerous Substances Act of 1969.

The bill is a proper step in the direction of more comprehensive control of drugs and other dangerous substances. It is a correct statement of the difficulties involved in curbing illegal narcotics traffic; and it outlines meaningful procedures for resolving those difficulties.

But the bill is an incomplete solution to the total drug abuse problem. Control of substances and methods of enforcement make up one dimension of the drug abuse phenomenon. But the bill does not address itself to the education of a drug-oriented society: It does not address itself to the rehabilitation and restoration of broken bodies and minds; it does not address itself to the training of professionals to deal effectively with the drug abuse crisis at the community level.

The Judiciary Committee, of which I am a member, has made a good start. But I believe it is proper at this time to talk briefly about the provisions left out of this bill. The House of Representatives recently passed a Drug Abuse Education Act by a 300-plus margin; at the present time, several drug abuse education bills are awaiting final action in the Labor and Public Welfare Committee. These acts of legislative commitment suggest that we should consider very carefully the role to be played by drug abuse education in attacking the total problem.

Many important programs of drug abuse education are already underway under the auspices of the National Institute of Mental Health, the Bureau of Narcotics and Dangerous Drugs, and the Department of Defense. Then, too, there are several worthwhile programs created and administered by private, volunteer organizations. With varying degree in these programs, emphasis is placed on several key factors:

Identification of major drug abuse problems—including the scope, nature of abuse, characteristics of the abusers, sociological framework for abuse and so forth.

Evaluation of existing drug abuse education material, and creation and dissemination of new materials designed to meet the specific needs of problem areas and problem situations.

Training for professions to cope with drug abuse where it happens, as it happens, but particularly before it happens.

Technical assistance to local communities to aid them in planning and carrying out education and information programs.

Creating and disseminating resource materials for use by community professionals, educators, lay leaders, and by abusers themselves.

If congressional action on drug abuse is to be complete, it must take these needs into account. Various provisions contained in the House-passed drug education bill, and in the Senate bills awaiting committee action, should be strongly endorsed and enacted quickly into law. I would like to call these provisions to the attention of the Senate, and to suggest that in acting on the Controlled Dangerous Substances Act, we commit ourselves to action as soon as possible on the education, research, and training provisions contained in the other legislation.

First, we need to launch a major effort to improve and expand our programs of drug abuse education. A generation of Americans is growing up confused, but very curious, about drugs and their use. Through school programs, media campaigns, community meetings, lectures, personal reading and listening, peer-group associations, "street savvy" and the rest, people are finding out about drugs. Congress should equip the professionals and nonprofessionals alike with the best resources available to help them come up with answers when young people ask the hard, compelling questions.

Drug abuse education could best be served by applying a five-step formula along the general lines suggested by the House-passed Drug Abuse Education Act, and developed by provisions in pending Senate bills. The steps are: First, develop new and imaginative curriculums on drug abuse for use in the schools; second, test these new materials and techniques in model programs, and follow up on the tests with evaluations of the effectiveness of the curriculums; third, disseminate those materials found to be workable, productive and effective; fourth, train teachers, law enforcement personnel, counselors, social workers, doctors and other professionals in the dimensions of drug abuse and the techniques for grappling with it; and, fifth, assemble total community education programs for use by local planners and parents, opinion leaders, businessmen and others at the local level who could do more about drug abuse if they knew more about drug abuse.

Throughout this educational process, we need to learn from past mistakes, and to avoid the fallacy of single cause. Drug abuse is not only a law enforcement problem, or only a medical problem; it is a legal, moral, medical, psychological, educational, social and cultural phenomenon. In our education planning and programing, we need to draw on all the disciplines if the final skills and mix of resources are to be varied enough, and rich enough, to do the job.

Second, in addition to education, a major emphasis on research and investigation is needed. Present research into drug effects and consequences is vital, of course, and should be continued. But research must be expanded to consider the other factors—beyond just drug chemistry—which are related to drugs. Specifically, we need to extend our research horizons to include causes of abuse, applicability of rehabilitation techniques, diagnostic methods, approaches to prevention, and administration of ongoing and intended drug abuse programs.

Research is a component part of control. Without clearer understanding of the forces which cause dependence, we will be forced to make assumptions—about body chemistry, human behavior, and the interaction of the two. These assumptions may, in time, prove correct, but the risks involved in that long wait are too great.

Third, we need to go immediately to work on improving our systems of treatment and rehabilitation for drug abusers. Formal, medically oriented rehabilitation programs are practically nonexistent. Fort Worth and Lexington are the two U.S. Government facilities for narcotics addicts. In addition, there are limited numbers of federally supported methadone centers around the country.

Our total action on drug abuse ought to include a major commitment to establishing and maintaining treatment and rehabilitation centers. In the absence of Federal help in this field, local communities have generated their own network of treatment centers. These programs, running on shoestring budgets and often staffed by volunteers, are the frontline against the cycle of drug abuse. They are the visible signs of a concerned society. But there are not enough, and the time is at hand to supplement such programs with help from the Federal Government.

Evidence is all around us that without this comprehensive, multifaceted attack on drug abuse, we will be walking the treadmill of continued frustration. Senator DODD acknowledged the complexity

of the drug abuse challenge when he introduced his bill in April of last year. He said:

We should see the whole problem, see the problem in all of its ramifications.

Dr. Sidney Cohen, Director of the Division of Narcotic Addiction and Drug Abuse, National Institute of Mental Health, wrote recently:

The mere passage of laws . . . as a device to eliminate noxious behavior is an ineffective technique . . . What is needed in addition to sagacious laws is public education and public cooperation with those laws.

The bill now before the Senate is a beginning. It opens the discussion in the Senate on drugs—the threat of their misuse in modern society, and the steps that must be taken to meet the threat. I suggest that while we consider this measure, we develop a strategy for adoption of the education, research, and rehabilitation provisions contained in the various other drug bills. To do less would be to abandon the addict, ignore the anguished community, and give up the search for a base of information. If we commit ourselves to full action on drug abuse, we must, by definition, commit ourselves to meeting these other aspects of the problem.

Drug abuse and the social upheaval it brings do not fall into neat patterns. They are jumbled by the complexities of society, and they feed on the tensions, anxieties, and frustrations of America. To end the despair, we need the tools of education and information. Congress would be derelict in its responsibility if it did not provide these tools.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 7 minutes p.m.) the Senate adjourned until tomorrow, Saturday, January 24, 1970, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate, January 23, 1970:

Ambassador Extraordinary and Plenipotentiary

Jerome H. Holland, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Robert Strausz-Hupé of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ceylon, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

The following-named persons, who were appointed during the last recess of the Senate, to the offices indicated:

Whitney North Seymour, Jr., of New York, to be U.S. Attorney for the southern district of New York for a term of 4 years, vice Robert M. Morgenthau.

A. Roby Hadden, of Texas, to be U.S. attorney for the eastern district of Texas for a term of 4 years, vice Richard B. Hardee.

Marshall F. Rousseau, of Texas, to be U.S. marshal for the southern district of Texas for a term of 4 years, vice Marion M. Hale.

Sam H. Roberts, of Texas, to be U.S. marshal for the western district of Texas for a term of 4 years, vice Jesse L. Dobbs.

U.S. Circuit Judge

Wilbur F. Pell, Jr., of Indiana, to be a U.S. circuit judge, seventh circuit, vice John S. Hastings, retired.

U.S. District Judge

G. Thomas Eisele, of Arkansas, to be U.S. district judge for the eastern district of Arkansas, vice Gordon E. Young, died.

U.S. Attorney

William C. Lee, of Indiana, to be U.S. attorney for the northern district of Indiana for the term of 4 years, vice Alfred W. Moellering.

U.S. Marshal

John L. Buck, of Pennsylvania, to be U.S. marshal for the middle district of Pennsylvania for the term of 4 years, vice Frank W. Cotner, term expired.

Laurence C. Beard, of Oklahoma, to be U.S. marshal for the eastern district of Oklahoma for the term of 4 years, vice Jackie V. Robertson.

Anthony T. Greski, of New Jersey, to be U.S. marshal for the district of New Jersey for the term of 4 years, vice Leo A. Mault.

Kenneth M. Link, Sr., of Missouri, to be U.S. marshal for the eastern district of Missouri for the term of 4 years, vice Olin N. Bell, Sr.

John T. Pierpont, Jr., of Missouri, to be U.S. marshal for the western district of Missouri for the term of 4 years, vice Francis M. Wilson, term expired.

Arthur F. Van Court, of California, to be U.S. marshal for the eastern district of California for the term of 4 years, vice John C. Begovich.

Donald W. Wyatt, of Rhode Island, to be U.S. marshal for the district of Rhode Island for the term of 4 years, vice Peter J. Foley.

California Debris Commission

I nominate Brig. Gen. Frank A. Camm, Corps of Engineers, U.S. Army, to be a member of the California Debris Commission, under the provision of section 1 of the act of Congress approved March 1, 1893 (27 Stat. 507) (33 U.S.C. 661), vice Brig. Gen. William M. Glasgow, Jr., who retired in December 1969.

Missouri River Commission

I nominate Brig. Gen. Harold R. Parfitt, U.S. Army, to be a member of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37) (33 U.S.C. 642), vice Brig. Gen. C. Craig Cannon, who retired on November 30, 1969.

U.S. Air Force

I nominate the following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code.

Lt. Gen. William B. Kieffer, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

I nominate the following-named officers to be assigned to positions of importance and responsibility designated by the President in the grade indicated, under the provisions of section 8066, title 10, United States Code:

In the grade of lieutenant general

Maj. Gen. James C. Sherrill, [redacted] FR, Regular Air Force.

Maj. Gen. Otto J. Glasser [redacted] FR, Regular Air Force.

Maj. Gen. Jay T. Robbins, [redacted] FR, Regular Air Force.

Maj. Gen. Russell E. Dougherty, [redacted] FR, Regular Air Force.

I nominate the following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be brigadier general

Col. Carlton L. Lee, [redacted] FR, Regular Air Force.

Col. Walter R. Tkach, [redacted] FR, Regular Air Force, Medical.

Col. Charles E. Williams, Jr., [redacted] FR, Regular Air Force.

Col. John J. Gorman, [redacted] FR, Regular Air Force.

Col. Darrell S. Cramer [redacted] FR, Regular Air Force.

Col. Geoffrey P. Wiedeman, [redacted] FR, Regular Air Force, Medical.

Col. Hamilton B. Webb [redacted] FR, Regular Air Force, Medical.

Col. Bryan M. Shotts, [redacted] FR, Regular Air Force.

Col. Morton J. Gold, [redacted] FR, Reglar Air Force.

Col. John H. Germeraad [redacted] FR, Regular Air Force.

Col. Robert R. Scott, [redacted] FR, Regular Air Force.

Col. Leroy J. Manor, [redacted] FR, Regular Air Force.

Col. Eugene Q. Steffes, Jr., [redacted] FR, Regular Air Force.

Col. Roy M. Terry, [redacted] FR, Regular Air Force Chaplain.

Col. William H. Best, Jr. [redacted] FR, Regular Air Force.

Col. Frank L. Gailer, Jr. [redacted] FR, Regular Air Force.

Col. Joseph E. Krysakowski, [redacted] FR, Regular Air Force.

Col. Robert E. Brofft, [redacted] FR, Regular Air Force.

Col. Thomas B. Hoxie [redacted] FR, Regular Air Force.

Col. Winston P. Anderson, [redacted] FR, Regular Air Force.

Col. Roger Hombs, [redacted] FR, Regular Air Force, Dental.

Col. Harold F. Knowles, [redacted] FR, Regular Air Force.

Col. Lawrence W. Steinkraus, [redacted] FR, Regular Air Force.

Col. William C. McGlothlin, Jr., [redacted] FR, Regular Air Force.

Col. Herbert A. Lyon, [redacted] FR, Regular Air Force.

Col. Eugene L. Hudson [redacted] FR, (Lieutenant Colonel Regular Air Force) U.S. Air Force.

Col. Edwin J. White, Jr. [redacted] FR, Regular Air Force.

Col. Edward O. Martin, [redacted] FR, Regular Air Force.

Col. Louis O. Alder, [redacted] FR, Regular Air Force.

Col. Robert H. Gaughan [redacted] FR, Regular Air Force.

Col. Walter T. Galligan [redacted] FR, Regular Air Force.

Col. Edward Ratkovich, [redacted] FR, Regular Air Force.

Col. Frank W. Elliott, Jr. [redacted] FR, Regular Air Force.

Col. John R. Hinton, Jr. [redacted] FR, Regular Air Force.

Col. Wesley L. Pendergraft, [redacted] FR, Regular Air Force.

Col. William R. Hayes [redacted] FR (lieutenant colonel Regular Air Force), U.S. Air Force.

Col. William M. Schoning, [redacted] FR (major Regular Air Force), U.S. Air Force.

Col. John F. Albert [redacted] FR, Regular Air Force, Chaplain.

Col. Daniel James, Jr [redacted] FR, Regular Air Force.

Col. Harry N. Cordes [redacted] FR, Regular Air Force.

Col. John F. Gonge, [redacted] FR, Regular Air Force.

Col. Kelton M. Farris [redacted] FR, Regular Air Force.
Col. John W. Pauly, [redacted] FR, Regular Air Force.
Col. John J. Burns, [redacted] FR, Regular Air Force.
Col. Kenneth R. Chapman, [redacted] FR, Regular Air Force.
Col. Bryce Poe II, [redacted] FR, Regular Air Force.
Col. James E. Paschall [redacted] FR, Regular Air Force.
Col. Cuthbert A. Pattillo [redacted] FR (lieutenant colonel Regular Air Force), U.S. Air Force.
Col. Richard J. Hartman [redacted] FR, Regular Air Force.
Col. George J. Iannacito, [redacted] FR, Regular Air Force.
Col. John J. Liset, [redacted] FR, Regular Air Force.
Col. Erwin A. Hesse, [redacted] FR, Regular Air Force.
Col. Thomas B. Wood, [redacted] FR, Regular Air Force.
Col. William T. Meredith, [redacted] FR, Regular Air Force.
Col. Guy Hurst, Jr., [redacted] FR, Regular Air Force.
Col. George G. Loving, Jr., [redacted] FR, Regular Air Force.
Col. Oliver W. Lewis, [redacted] FR, Regular Air Force.
Col. James M. Fogle, [redacted] FR, Regular Air Force.
Col. William A. Dietrich, [redacted] FR, Regular Air Force.
Col. Jack B. Robbins, [redacted] FR, Regular Air Force.
Col. John D. Peters, [redacted] FR, Regular Air Force.
Col. George Rhodes, [redacted] FR, Regular Air Force.
Col. Marion L. Boswell, [redacted] FR, Regular Air Force.
Col. Kenneth L. Tallman, [redacted] FR, Regular Air Force.
Col. Ray A. Robinson, Jr., [redacted] FR, Regular Air Force.
Col. Otis C. Moore, [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. William Y. Smith [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.
Col. Robert T. Marsh [redacted] FR, (major Regular Air Force) U.S. Air Force.
Col. Abner B. Martin [redacted] FR, (major Regular Air Force) U.S. Air Force.
Col. Robert M. White [redacted] FR, (major Regular Air Force) U.S. Air Force.
Col. Frederick C. Blesse, [redacted] FR, Regular Air Force.
Col. Harrison J. Lobdell [redacted] FR, Regular Air Force.
Col. Clarence J. Douglas, Jr., [redacted] FR, Regular Air Force.
Col. Arnold W. Braswell, [redacted] FR, (lieutenant colonel Regular Air Force) U.S. Air Force.
Col. George H. Sylvester, [redacted] FR, (major Regular Air Force) U.S. Air Force.
Col. James V. Hartinger, [redacted] FR, (major Regular Air Force) U.S. Air Force.

MARINE CORPS

The following-named (Naval Reserve Officers Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Behel, Nvan M.	Hill, William H.
Biesemeier, Harold W., Jr.	Inabinet, Harold L.
Bussey, Ronald D.	Landry, Charles E.
Colyar, Henry J., Jr.	Leonard James F.
Doster, Cleve B.	Porter, James J.
Dowell, Gene L.	Rosemond, Niley J.
Foster, Perry E., Jr.	Shepard, Anthony P.
Gasparenas, Thomas G.	Short, Thomas J.
Graham, Richard S., Jr.	Skinner, Paul D.
	Walsh, Thomas A.
	Weiss, Michael J.

The following-named (Navy Enlisted Scientific Education Program) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

McCormack, Joseph X.
Schow, Robert D.
Thomas, David M.

The following-named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Anderson, Robert C.	McGill, Bryan M.
Fitzpatrick, Thomas P., Jr.	Oberg, Jerry R.
	Ogden, Gerald B.
Gerstner, Edward G.	Strawser, Robert L.
Harrison, Gregory	Wahlsten, Bruce R.

EXTENSIONS OF REMARKS

ULTRA-WHITE COLLAR CRIME HURTS UTILITY CONSUMERS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, January 23, 1970

Mr. METCALF. Mr. President, I have urged the administration to include in the fiscal 1971 budget funds to develop a comprehensive system of automatic data processing for utility regulatory commissions. This proposal, included in S. 607, the Utility Consumers' Counsel Act, drew strong support from the Federal Power Commission during hearings on the bill this year. The extraordinary increase in utility rate increase requests, almost $2 billion in annual increases now pending, with more to be filed, coupled with recent FPC audits that show improper bookkeeping by electric utilities, add urgency to the request.

I ask unanimous consent to have printed in the RECORD the text of my letter to the Director of the Budget Bureau and an article entitled "Bigger Utility Bills," written by Ralph E. Winter, and published in the Wall Street Journal of December 16, 1969.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DECEMBER 19, 1969.

Mr. ROBERT P. MAYO,
Director, Bureau of the Budget
Executive Office Building,
Washington, D.C.

DEAR MR. MAYO: This year the Federal Commission strongly endorsed the increased use of automatic data processing by regulatory commissions. Lee White, then chairman, elaborated on the Commission's view when testifying on S. 607, the proposed Utility Consumers' Counsel Act, one provision of which would direct full use of ADP by the Federal Power Commission and Federal Communications Commission, to the end that regulators and the public would receive timely information about electric, gas and telephone utilities.

The FPC urged establishment and funding of a task force of Federal and State regulators to develop a comprehensive system of ADP for America's regulated utilities. The Commission estimated a cost of three or four million dollars in planning the system, adding that the resulting saving would total many times that amount.

I strongly urge you to include in the fiscal 1971 budget funds to proceed promptly with development of a regulatory ADP system, for the following reasons:

1. Most utilities already have computers far more sophisticated than necessary to provide, quickly and in detail, the information needed by regulators and parties to rate cases. However, under the present, antiquated system of reporting, State and local governments waste a great deal of time and money looking for information they need in order to regulate. Similarly, individuals, organizations and corporations which question utility rate changes find the job of information-collection time-consuming, costly and in some instances an impossible task. Among them is the Department of Defense, whose witness, in supporting S. 607, testified that "the most difficult job we have in defending a utility case or prosecuting a complaint case against any utility is obtaining information from a utility."

2. Utility consumers are now faced with an all-time record number of proposed rate increases. As of 1 June, according to reports to the Senate Subcommittee on Intergovernmental Relations from the State utility commissions, approximately $1 billion in increases, proposed by electric, gas and telephone utilities, were pending before the State utility commissions. The investor-owned utilities requested another half a billion dollars in increases during the following four months, according to a tabulation, not necessarily complete, which I made, and inserted in the Record on 23 October. At least 182 rate increase requests were then pending, and in 60 of those cases, the utilities were asking for from $1 million to $175 million more annually.

On 16 December, the Wall Street Journal reported that "investor-owned utilities across the country are seeking a record of almost $2 billion in annual rate increases; most companies are expected to get most of what they seek. Talks with dozens of utility executives indicate that many more requests will be filed in the coming weeks."

3. Under the present reporting system, annual publication of comparative utility statistics by the Federal Power Commission and Federal Communications Commission is grossly inadequate. Last year's comparative statistics on electric and telephone companies will not be published until next year. The comparative statistics on gas pipeline companies for 1968 have recently been published, but there of course are no comparative statistics on most gas distribution companies because of the absence of statutory reporting requirements.

4. The audit staff of the FPC is so small, in relation to the workload, that audits of electric utilities are conducted, on the average, about once every seven years. Some power companies' books have not been audited by the FPC for 30 years. Field audits by the FPC in 1969 in two cases with which I am familiar, Appalachian Power and Otter Tail Power, revealed numerous examples of improper accounting—loading the light bill with political expenditures—by both companies. The FPC's spot check of 17 electric and gas transmission companies in 1964 showed a similar pattern of improper accounting of utility political expenditures.

The certainty of exposure by use of modern information storage and retrieval systems

would certainly discourage this type of ultra-white collar crime by prestigious companies, some of which are basing pending rate increase requests on padded books.

For these reasons, I urge that you include in the 1971 budget request sufficient funds to enable the FPC and FCC to proceed as quickly as possible in development of ADP systems which will provide the public and the regulators with adequate, timely, comparative information on electric, gas and telephone utilities.

Very truly yours,

LEE METCALF.

[From the Wall Street Journal, Dec. 16, 1969]

BIGGER UTILITY BILLS: RATES FOR ELECTRICITY, GAS, PHONES HEAD UP AFTER YEARS OF DECLINES; COST OF LOANS IS BIG CAUSE, BUT EXPENSES FOR LABOR, MATERIALS ALSO ARE CITED; CONSUMER CRIES GO UNHEEDED

(By Ralph E. Winter)

Here's one more piece of bad news from the inflation battlefront: Electric, gas and telephone bills are going up.

And they're going up sharply. Not since the end of World War II have utility rates jumped by as high a percentage as they're likely to do in coming months. In some areas, charges are going up 20% or more. What's more, says a top executive at a big utility in Ohio, "the average level of electric rates around the country probably will rise every year for some years to come." Officials at telephone and gas companies agree that they see no end to soaring costs, which they fully intend to pass along to customers.

The higher charges will come as a jolt to customers. For while they have become accustomed to steadily climbing costs for almost everything in recent years, they have been able to count on steady—or even declining—utility rates. Indeed, as recently as 1967 electric and gas rate reductions outnumbered increases by a four-to-one margin, according to a study by Ebasco Services Inc., a consulting firm. Phone rates in the past decade also have held even or declined a bit, according to a spokesman for the Bell System.

A RECORD TOTAL

But now all that is changing. It's hard to find a city where rates aren't going up. In Fort Worth, gas bills are up 19.5%, or $1.14 a month for the average homeowner. In Atlanta, the monthly charge for a private phone line is likely to rise soon to $7.75 from $6.50, again almost a 20% increase. In New York, Consolidated Edison Co. is seeking a 15.3% boost that would increase light bills at the typical household by $1.05 to $2.05 a month.

All told, investor-owned utilities across the country are seeking a record of almost $2 billion in annual rate increases; most companies are expected to get most of what they seek. Talks with dozens of utility executives indicate that many more requests will be filed in coming weeks.

The utilities are almost unanimous in blaming the Government for much of the rate rises. They say they have to build new facilities regularly to satisfy growing demand, no matter what the cost, and they say the Administration's policy of tight money has made borrowing so costly that rate increases are unavoidable. They also cite rising state and local taxes, and some mention the cost of equipment to cut down on pollution of air and water. "Consumers are going to pay for environment control," says a spokesman for a California utility that recently laid out a lot of money to bury wires that citizens complained were unsightly.

A CHALLENGE BY CONSUMERS

Some utility critics aren't so sure that the Government should take all the blame for the rate rises, however. They say some utilities have notoriously bad management, and they claim that some utilities are seeking increases far bigger than they need, figuring they probably can get away with it in these inflationary times. Several consumer groups have formed to fight the proposed increases.

But sources say the most the consumer groups are likely to achieve is a delay in the rises while hearings and appeals take place. The consumer groups' main argument is that the high rates are rough on customers but that argument doesn't carry much weight with regulatory officials.

"Ability or inability to pay the rates isn't the problem before this commission," says one state regulatory official. "Under law, the commission's job is to see that a proper rate base is established and then determine a fair rate of return for the company on that base. Inability to pay shouldn't be a factor in utility rates any more than the price of a Cadillac should be reduced because poor people can't afford one."

MORE TO COME

Utilities are convinced they can prove the need for substantial increases in their charges. "In fact," says an official of Ohio Bell Telephone Co., "we aren't asking for enough. We'll have to be back relatively soon for another increase." The company, seeking its first general rate increase since 1958, is asking for a 20% rise in the cost of a private telephone line in the Cleveland area.

Besides higher interest rates, utilities are facing increased costs for labor and materials and demands from stockholders for higher dividends. Utility payroll costs are rising faster than productivity for the first time in years, officials assert. Facilities are so automated now that there's little prospect of any more startling gains in productivity. "The Bell System has already milked out most of the savings through mechanization of local telephone operations," says an official of Ohio Bell. "Not that there won't be some improvements, but there's nothing dramatic on the horizon."

Electric utilities say the price of coal, a big item for them, is climbing after a long, gradual decline resulting from mine mechanization. Similarly, gas companies say the wholesale price of gas is going up for the first time in several years. At the same time, stockholders of utilities, an industry traditionally favored by investors interested primarily in income, are grumbling that they can earn a higher return by putting money in bonds or some other stocks of no greater risk.

"With rising interest rates, the dividend has to increase, too," says a man at Cleveland Electric Illuminating Co. "There has to be some relationship between what an investor can get on bonds and what he gets on our stock, or the equity market will dry up. We can't afford that when we have a record expansion ahead of us." The company's payout has increased in each of the past 10 years.

The utilities also point to skyrocketing construction costs. Until recently, each new power plant produced electricity at a lower cost than the previous one, as larger and larger plants increased efficiency faster than building costs rose. (The cost of a plant is a key factor in determining the cost of the electricity it produces.) But now the trend has reversed.

A group of New England utilities two years ago completed a $102 million, 600,000-kilowatt nuclear power plant that produces power for less than six mills per kilowatt hour. But a group of Midwestern utilities planning an 840,000-kilowatt nuclear plant figure the facility will produce power at a cost of 7.75 mills per kilowatt hour. Though the Midwest plant won't be even 50% bigger than the Eastern facility, it will cost twice as much to build.

STONE MOUNTAIN, GA.—EIGHTH WONDER OF THE WORLD

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Friday, January 23, 1970

Mr. TALMADGE. Mr. President, Hubert E. Lee, editor of Dixie Business magazine for some 40 years, has written an article on Stone Mountain, in Georgia, which is said to be the eighth wonder of the world.

This article is particularly timely in that there are plans underway for officially dedicating sometime this spring the gigantic and impressive Confederate memorial carving on the side of the mountain—that was 50 years in the making. This will be more than just a Southern shrine, it will be a memorial for the Nation to one of the most difficult periods in American history—from which the country emerged strong and united. The President has been invited to make the official dedicatory address.

Mr. Lee's article provides some interesting information about Stone Mountain. I bring it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STONE MOUNTAIN

Some 3-million eager visitors will visit Stone Mountain this year to see the 8th "Wonder of the World."

The giant outcropping weighs 1-billion 250-million tons.

As a boy, I climbed Stone Mountain.

I climbed down to dangerous Buzzards Roost . . . sometimes slipping several feet before catching my bare feet on a crevice or a patch of soil on the rocks.

My brother, Russell Fred, gets goose-pimples just thinking of the chances I took of falling down off the mountain. He and I dare to go where goats would be scared to venture.

That was before Mrs. Helen Jemison Plane had a vision in 1912 of carving a great memorial in honor of the Southern Confederacy.

I remember boyhood thrills when my mother took us out to Ponce de Leon Amusement Park where Sear's is now located.

It was more wonderful than Disneyland, and the street car fare was 5¢.

And later there was White City where I turned the crank to unwind the moving picture reels to see the silent picture show. White City Amusement Park is as forgotten as the old Atlanta Daily Star with its red headlines.

Then came Lakewood Park.

And now Stone Mountain has amusement attractions as a plus for visitors to the Mountain in the Sky.

There is a lake for fishing, a modern campground, hundreds of sites for picnicking, riding trails, a glistening white sand beach for swimming. A golf course with 70% built on solid rock with an 18–24-inch fill of crushed granite and 12–24 inches of crushed stone, fill dirt and soil will attract champions, Tom Elliot, park general manager, anticipates. It was designed by Robert Trent Jones.

There is the world's largest carillons, 610-bells, 12-story skyward, the Civil War Museum, the Skylift, a 5-mile Railroad and a riverboat, the Robert E. Lee, that cruises the 446 acre lake.

ATLANTA JAYCEES

As a member of a committee of the Atlanta Junior Chamber of Commerce, I helped raise the money for Borglum to begin his carvings.

I still have one of the folders that I gave to all who subscribed to help finance Gutzon Borglum in 1923.

Cutline of a picture of Borglum in leather harness climbing Stone Mountain read:

Gutzon Borglum, noted sculptor, descending the precipice of Stone Mountain, June 18, 1923, to begin carving General Lee's figure, the central figure in the central group of the great Confederate Memorial.

The Grand Plan that I used effectively to persuade men and women to give!

The Post Card scenic folder I gave to the prospects I called on for pledges to give money in 1923 as a member of the Atlanta Jaycees team read:

On Stone Mountain Gutzon Borglum has commenced the carving of history's supreme monument in memory of the Southern Confederacy.

Stone Mountain is literally, as its name implies, a Mountain of Stone.

It is the largest single body of granite in the world.

Its foundations underlie nearly half of the State of Georgia.

Several Atlanta Office Buildings rest on solid rock foundations blasted out of the Stone Mountain strata.

The exposed mountain is seven miles around the base and 1,000 feet to the summit.

On the northern side, Stone Mountain drops to a sheer, naked precipice almost a thousand feet. Time has not marked it in the slightest trace. A million years of erosion have touched it as lightly as the clouds touch the sky.

Since the dawn of creation it has stood as it stands when we gaze upon it, unchanged, unchanging, imperishable.

Across the monmouth page of granite Gutzon Borglum will engrave a perpetual and indestructible tribute to the men and women who fought, suffered and died for the Southern Confederacy.

His plan provides for three main features:

1. The Panorama.
2. The Memorial Hall.
3. The Amphitheatre.

Beginning on the right near the Mountain's summit and sweeping downward and across it a distance of thirteen hundred feet will be carved a picture representing the Confederate Armies marching into battle. On the right will be artillery, the horses straining to back the gun carriages.

Next will be cavalry in full forward motion.

In the center will be carved a magnificent group of Confederate chieftains, including President Jefferson Davis, General Robert E. Lee, Stonewall Jackson and others to be selected.

On the left of this group and extending off toward the end of the Mountain will be the Confederate Infantry swiftly marching.

General Lee's figure in the central group will be nearly 200 feet high, or as high as a 16-story office building.

All other figures in the whole panorama will be in relative proportion.

No sculptured figures in ancient or modern times were comparable to these in magnitude or grandeur.

The central Group alone, were nothing added to it, would eclipse the Sphinx and Pyramids.

Below the panorama will be chiseled out of the living granite, the Memorial Hall.

At the base of the mountain to the right of the precipice, will be built an amphitheatre rivaling the dimensions of the Roman Coliseum.

Mr. Borglum estimates the cost at $3,500,000 for the entire plan, and the time to complete it, he estimates at six or seven years.

BUILDERS OF A BETTER WORLD—THE JAYCEES

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. FOUNTAIN. Mr. Speaker, I am happy to take this opportunity to pay tribute to an outstanding group of young men who have given intelligent thought to human need and to the building of a better world. I refer to the U.S. Jaycees, who are celebrating this week the 50th anniversary of the founding of their great service organization.

The young men of America organized the Jaycees because of their great yearning to serve, to grow, to learn, and to exemplify the true meaning of the brotherhood of man. Following organization on a national basis in 1920, the Jaycees, then titled "U.S. Junior Chamber of Commerce," grew at a phenomenal rate.

By 1930 there were 15,000 members; by 1940, 64,000; by 1950, 124,000; and 200,000 by 1960. In 1970 there are over 300,000 Jaycees holding memberships in 6,400 chapters all across our State and Nation.

The Jaycees are a valuable national resource. Hundreds of thousands of our finest young men working together for the highest and finest goals constitute a tremendous force for good in our society.

We must remember, too, that over 2 million men have passed through membership in the Jaycees, making individual contributions during their years of membership and becoming imbued with the high ideals expressed in the Jaycee creed.

The Jaycee creed is as follows:

We believe that Faith in God gives meaning and purpose to human life;

That the brotherhood of man transcends the sovereignty of nations;

That economic justice can best be won by free men through free enterprise;

That government be of laws rather than of men;

That earth's great treasure lies in human personality;

And that service to humanity is the best work of life.

This valuable creed summarizes the faith and confidence the Jaycees have in God, in humanity, and in America.

The principles enunciated in the Jaycee creed are truly the foundation stones upon which our State and Nation were built. They are the foundation stones of every progressive community.

Though we seem to live in an age of negative thinkers, the Jaycees are refreshingly positive in their efforts to upgrade our society. At a time when many advocate change through destruction and do nothing but criticize, the Jaycees stand firm for progress and enlightenment through constructive action.

The Jaycees give us all, both old and young, an example to follow. They are not content to rest easy, but strive always for improvement in the quality of life for all Americans.

I am proud to salute the Jaycees of North Carolina and the Nation. I wish them every success in the years ahead and am confident that their accomplishments in the future will be even greater than those of the past.

SITUATION IN NIGERIA

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, January 23, 1970

Mr. THURMOND. Mr. President, yesterday we learned that the United States is sending planes and food to the starving population in the former Biafran territory. All Americans welcome this response by the President, and it is now up to Nigeria to accept the help magnanimously and see that it goes to those truly in need. According to newspaper reports, food is being sent to Port Harcourt, which is on the coast, rather than to the enclave where the food is really needed. It would be far better if General Gowon's military government would allow the food to be flown directly to the area in need and to be distributed through the existing distribution operation which now lies idle.

The situation was pointed up in two excellent editorials in yesterday's New York Daily News, which points up Gowon's responsibility to act while there is still time to help. The second editorial in the Daily News shows how U.N. Secretary General U Thant has no compunction about meddling in Vietnam, but refuses to take a firm stand on the situation in Nigeria.

Mr. President, I ask unanimous consent that the two editorials "Misery Compounded by Terror" and "The Meddlesome Mr. Thant" from the Daily News of January 22, 1970, be printed in the Extensions of Remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Daily News, Jan. 22, 1970]

MISERY COMPOUNDED BY TERROR

Appears to be the lot of the unfortunate souls in fallen Biafra, where millions ravished by hunger now are being pillaged and bullied by victorious Nigerian soldiers.

Ghastly tales of looting, rape and brutality were recounted yesterday by the first unbiased observers allowed to roam the breakaway province since its attempt at secession failed.

The grim reality stands in stark contrast to the unctuous assurances of the Nigerian chief of state, Yakubu Gowon, that the rebellious Biafrans would be treated as returning prodigal sons. Nor does the truth jibe with the rosy pictures painted by various relief agency representatives and statesmen who accepted Gowon's expressions of good will at face value.

The reign of terror in Biafra may be the last thing the Nigerian government wants. If so, Gowon should move decisively to bring his soldiers under control. Then he should stow away the pride, or whatever, that has led him to scorn large shipments of food and medicine that people of good will throughout the world have collected.

Most of the proffered aid has come from the Free World. But there are no political

strings attached to it even though Nigeria's ambassador to Moscow is gushing praises for Moscow's military help to the victors.

The mammoth relief chore clearly is beyond the means of Nigeria alone, Gowon would emerge as a bigger man if he admitted that fact while there is still time to aid the suffering rebels.

THE MEDDLESOME MR. THANT

One of the abovementioned "statesmen" who couldn't bother to dig too deeply into the real situation in Biafra was United Nations Secretary General U Thant. Presumably, Mr. Thant didn't want to stick his nose into Nigeria's internal affairs. The secretary general has no such qualms, however, when it comes to Vietnam.

Thant sounded off in Paris on Tuesday to the effect that the biggest problem in Vietnam was finding a new government for Saigon. That, of course, is the same tune sung by the Red North Vietnamese and the Viet Cong.

Which sort of makes us wonder if the UN wouldn't be better off with a head man who knows when to keep his eyes open and when to keep his mouth shut.

FOCUS ON A BOY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. BROWN of California. Mr. Speaker, I would assume that the majority of my colleagues here have been Boy Scouts at one time or another. We are all proud of the fine work that is done in scouting throughout the Nation.

Right now, in and around my district, an extremely important campaign is underway to insure camping opportunities for boys within the area served by the San Gabriel Valley Council of the Boy Scouts of America.

I am inserting at this point in the RECORD a series of questions that were put to Walter Brennan, the well known entertainer, in regard to this campaign, along with his answers, which portray a lucid insight into the value of scouting:

FOCUS ON A BOY

(Walter Brennan answers some important questions about the Golden Anniversary Camp Development Fund of the San Gabriel Valley Council, Boy Scouts of America)

Question: What is the purpose of this campaign, Mr. Brennan?

Answer: To get right to it, we got to raise a minimum of $1,850,000 which is urgently needed so the San Gabriel Valley Council can have the tools it needs to serve a fast-growin' bunch of boys, and point 'em in the right direction to manhood. Focus 'em, you might say.

Question: Well, how will this money be spent?

Answer: Well, sir—mostly these boys need places to go campin'. Sure, part of it'll go to the sustainin' membership fund—that's important—and some to the contingency fund, but the mountain lion's share'll go into buildin' new campin' facilities 'n' fixin' up the old ones—'n' buyin' equipment 'n' such as that. Why, there's Camp Cherry Valley, Camp San Antonio, Holt Scout Ranch, Sky Valley Camp, Sawpit Canyon Camp 'n' Trainin' Center, 'n' the Scoutin' Center 'n' . . . I tell you, the list goes on and on!

Question: Why are these facilities needed?

Answer: Dad-gummit—we gotta have em to provide for more 'n' more boys takin' part in the scoutin' and campin' program. Present facilities will handle up to 340 boys a week durin' the summer months. The Golden Anniversary Camp Development Fund will boost the camp capacity to 670 boys a week durin' the regular season, and give 'em unlimited chances for year-round campin'.

Question: What area is served by the San Gabriel Valley Council?

Answer: Why, the whole blasted valley from Glendora and Hacienda Heights and everythin' west to Alhambra, Pasadena 'n' La Canada, 'n' then some!

Question: How many boys are involved in scouting?

Answer: This year over 24,000 boys was in the scoutin' movement in the San Gabriel Valley Council area, and I'm tellin' you, that's a lotta boys—not to mention over 10,000 adults!

Question: How much use is made of present facilities?

Answer: Lemme see, now . . . year-round campin' activity has moved ahead from 1200 boys just ten years ago, to almost 5000 in 1968. These boys came from 222 troops—that's 79 per cent of all troops in the area—not to mention the fact that a lotta these boys had to camp on sites that don't even belong to the Boy Scouts! And that ain't countin' 4212 leaders to guide 'n' counsel the boys.

Question: Why is camping so important, Mr. Brennan?

Answer: Why? For 58 years campin' has been the most important part of it all 'cause it's trainin' ground on which the ideals of Boy Scout citizenship trainin', character buildin' and physical fitness takes place. By golly, campin' IS scoutin'.

Question: What growth in registration can be expected in the future?

Answer: Continuin' the way things are, there's gonna be more than 40,000 boys and leaders enrolled in scoutin' in the San Gabriel Valley Council by 1976.

Question: But doesn't the council receive support from United Fund?

Answer: Sure it does, but just fer a part of its current operating costs . . . they don't get nothin' at all for capital improvements and major repairs.

Question: What's the average cost for a scout attending camp?

Answer: It's a basic idea of the Boy Scouts to pay his own way, so he pays an average of $30.50 a week to attend camp. The council pays for camp overhead such as the caretaker, insurance, telephone and so on, and gets up the financin' that makes the camp possible. But lemme tell you right now—NO worthy boy who's a member of a Boy Scout Troop and is eligible to attend camp is turned away on accounta his inability to pay. Many friends of scoutin' make his attendance possible.

Question: Mr. Brennan, is there a profit in scouting operations?

Answer: Whatta you talkin' 'bout? 'Course there ain't! The San Gabriel Valley Council's a non-profit organization. After annual operatin' expenses, there's nothin' left. Matter of fact, even if there was, the Council would have to use it all up anyhow.

Question: Do you think the San Gabriel Valley Council can raise $1,850,000?

Answer: Sure I do. By golly, this here's a real capital investment in our boys, and in the future of our community. The need right now is an emergency. You know, them boys ain't gettin' any younger! And more 'n' more of 'em gotta have the great opportunities which campin' gives 'em. With good organization and enthusiastic leadership—which we have, by golly—and the support of business people and good folks like yourself, it can and it *will* be done. This is the first time the Council's ever asked their community fer capital funds. Why, even the boys themselves is puttin' up what they can!

Question: Do you know the leaders in this campaign, Mr. Brennan?

Answer: Why sure I do—they're the community-minded citizens like yourself, givin' their time and energy and money, knowin' that their efforts'll help the community's healthy growth. They're the campaign leaders—your friends 'n' neighbors! They belive in the wholesome aspect of scoutin' which points the young 'uns of today in the right direction to become the good citizens of tomorrow.

Question: I have no boys in scouting, why should I give?

Answer: 'Cause anythin' that benefits a community needs the support of all its citizens. Mebbe you ain't your brother's keeper, but these boys are our leaders of the future—of our state 'n' our country—yours 'n' mine—'course, if you ain't interested in that . . .

Question: How much is my fair share?

Answer: Now, I can't tell you that, friend. You know what your own story is. But why don't you just talk to a Scout about campin'—listen to him 'n' watch his face. Yessir, just focus on a boy—then *you* decide how much that's worth!

Question: All right, when and how are pledges payable?

Answer: Now, that's more like it. A schedule is set up for annual, semi-annual, quarterly or monthly payments, over a 36-month period . . . but you can feel free to suggest any schedule of payments you figger is best for you. You can even hand over the cash if you want, right now. Then there's stocks 'n' bonds 'n' such, as well . . . 'n' memorial gifts, too.

Question: Say, are there any tax advantages in giving to this campaign?

Answer: Yessiree—our federal tax laws encourage givin' to an organization like the Boy Scouts. You can deduct contributions from adjusted income before you work out your federal tax—but you better talk to your tax consultant 'bout all the details!

Question: If I have any other questions, what do I do?

Answer: Easy! You jest pick up a telephone 'n' call the San Gabriel Valley Council of the Boy Scouts of America at 355-7171, or 445-2570. Better yet, why don't you take a few minutes 'n' drop in on 'em—questions or no. They'd be glad to have you . . . 'n' who knows, you might find somethin' you never expected!

U.S. JUNIOR CHAMBER OF COMMERCE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. RHODES. Mr. Speaker, I would like to join my colleagues in saluting the U.S. Junior Chamber of Commerce in its first half century of service to America.

The Jaycees represent a constructive force in our society and have devoted their energies to the building of a better America in the spirit of community service.

We can be proud of the young men in Arizona and throughout the Nation who have given so much of their time to this task. I salute the Jaycees on the golden anniversary of their great organization.

GOLDEN ANNIVERSARY FOR JAYCEES

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1970

Mr. PREYER of North Carolina. Mr. Speaker, this year marks the 50th anniversary of the Junior Chamber of Commerce. Those 50 years have seen the Jaycees emerge as a major influence for good in our country. All across this country young men joined together in this organization are working every day for programs that enrich the lives of the people in their communities. Perhaps the greatest contribution the Jaycees have made during this half century is that of bringing young men of differing faiths, parties, and races together in a series of good works. This has been true in my district where there are more than a dozen clubs. I am particularly proud of the Jaycees in Greensboro, N.C., my hometown, who have twice been chosen best in the United States and once best in the world. This is an honor shared by no other Jaycee chapter in the United States and is a remarkable achievement for a chapter in a city of approximately 150,000 people.

When the Jaycees see a problem, they do not wait for Government or someone else to do something about it; they go into action. They make a tremendous contribution to the strengthening of the crucial voluntary, private sector of our culture. I am sure I speak for all the citizens in my district in expressing our appreciation to the Jaycees on this 50th anniversary of their organization for all they have done for us.

SENATE—*Saturday, January 24, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Direct us, O Lord, in all our doings with Thy most gracious favor, and further us with Thy continual help; that, in all our works begun, continued, and ended in Thee, we may glorify Thy holy name, and finally by Thy mercy obtain everlasting life.

Give us strength, O God, to hold our own convictions, not denying them for fear of men; but help us also to understand those who differ from us, and to be fair to those whom we find it hard to understand. In every act we pray that we may seek to know and do Thy will, through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 23, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORGANIZED CRIME CONTROL ACT OF 1969—TRIBUTE TO SENATOR HRUSKA

Mr. MANSFIELD. Mr. President, at the conclusion of the debate and disposition of S. 30, I had some words to say about certain Members who participated in that debate, notably the Senator from Arkansas (Mr. MCCLELLAN), the Senator in charge of the bill.

Through inadvertence, I forgot to mention the outstanding efforts of the distinguished Senator from Nebraska (Mr. HRUSKA), the ranking member of the Judiciary Committee and good right hand of the Senator from Arkansas in the consideration of the bill which had been considered for the previous 3 days and which passed the Senate yesterday.

At this time I wish to extend to the Senator from Nebraska my thanks for his diligence, for his integrity, for his knowledge, and for the continual efforts he made not only during the 3-day debate but also over the past year in helping to bring out S. 30.

I would feel remiss if the RECORD did not show, in addition to those mentioned by me yesterday, my personal appreciation to the distinguished Senator from Nebraska for the contributions he made to the consideration of this most important bill.

AGRICULTURAL LEGISLATION

Mr. ELLENDER. Mr. President, I wish to announce that the Committee on Agriculture and Forestry has been considering quite a few bills on its calendar and has ordered them reported to the Senate. Two of them are important; namely, the Aiken egg bill and amendments to the School Lunch Program and Child Nutrition Act.

The committee held hearings last year on those sundry bills but failed to report them because we could not muster a quorum.

I am glad to say that those bills will soon be on the calendar for consideration.

NOTICE OF HEARINGS ON A NEW FARM BILL

Mr. ELLENDER. Mr. President, I wish to announce that the Committee on Agriculture and Forestry has given me authority to announce to the Senate and the country that on February 18 the committee will begin hearings on a farm bill to replace the one which expires December 31 of this year.

I think it is very important that we consider a new bill or an extension of the present law with possibly some refinements.

I understand that the House of Representatives is having some difficulty in voting a bill out of its committee on agriculture. It has been working on a program for about a year now.

The Senate committee hopes that before it gets through with its own deliberation and presentation of a bill to the Senate, that the House will have acted.

As chairman of the committee, I wish to invite all Senators, in fact, all Members of Congress, to make their presentations if they desire to do so, as to what should be included in a new or extended farm bill; also all farm organizations are invited to present their views—in fact anyone interested in agriculture. I can foresee much difficulty ahead for the consumers if a bill is not enacted this year.

I am not going to state now what my views are on the subject, but I ask permission to present to the Senate my views on what should be done this year in agriculture either on Monday or Tuesday of next weeek.

I am hopeful that Senators interested in agriculture will give us all the help they can. We will need much guidance.

It seems that on the House side, there are too many Representatives coming from the cities who cannot understand why it is necessary for us to continue to subsidize farmers in paying them not to plant portions of their farms, when there are so many hungry people in the world.

The present farm program costs about $3¼ billion a year. That figure may be a little high. But it is my considered judgment that it will be much cheaper to the consumers, for Congress to provide funds to pay such subsidies in order to produce an abundance of food, rather than to have farmers to continue to go out of business and maybe thereby create a scarcity of food and fiber.

I have no doubt that if such a condition were—created, the American public would pay much more for their food and fiber than if we were to continue programs such as we have on our staute books at the present.

ORDER FOR ADJOURNMENT TO MONDAY, AND FROM MONDAY TO TUESDAY AT 10:30 A.M.

Mr. ELLENDER. Mr. President, I would like to ask the majority leader to give me some time perhaps on Tuesday morning, so that I may have an hour or an hour and a half in which to present the farm program.

Mr. MANSFIELD. Would the Senator